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SIMON DE MONTFORT,

EARL OF LEICESTER,

THE CREATOR OF THE HOUSE OF COMMONS.

BY

REINHOLD PAULI.

TRANSLATED BY UNA M. GOODWIN.

WITH INTRODUCTION BY HARRIET MARTINEAU.

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INTRODUCTION

BY

HARRIET MARTINEAU.

Dr. Pauli's observation at the opening of the Preface of his work,—that every great movement in human Society is embodied and illustrated in the character of one pre-eminent man,—will hardly be objected to by any order of readers; but it probably approves itself most warmly to those who are the oldest, as well as the most worthy. The relish of the study of History follows the same law in the case, in regard to age, of a people and an individual. In the youthful days of a nation the Historical interest is implicated in the suspense and romance of war and conquest, in the poetry of adventure, and the triumph or grief of mighty revolutions of fortune. As a community grows older in experience, the character of its interest in History changes essentially. Institutions and Laws become more attractive than invasions and battles; a stage in civilisation is seen to be more valuable than an extension of territory; and the general mind opens to a sense of the qualities necessary to the acquisition of

the higher good. Just in the same way does the interest in the study of History change its ground with lapse of time. The child asks only for fairy tales; the school-boy devours narratives of adventure and conquest; and his attraction to any consideration of character lies in its daring first,—then in its magnanimity,—and, when the conceptions coalesce,—its heroism.

These conceptions, however, are exhaustible; and a whole realm of wisdom lies ready to be entered upon when the community on the one hand, and the individual student on the other, becomes qualified by experience and contemplation to appreciate acquisitions from the richer field. The conception and growth of good institutions and laws become interesting to Society; and in due time Society inquires, first as a matter of course, and at last with more or less eagerness, about the origin of political amelioration, and the head, heart, and hands by which it was wrought.

At the corresponding age attained by the individual student, he finds his best road to a knowledge of History in Biography, if it be but attainable. It is not merely that human character is always and everywhere supremely interesting to meditative men: it is that in a man's life we see his mind; and that the more we see of his life the better we understand his mind, and can interpret his ideas, designs, and acts. Thus we see the grey-haired student lay eager hands on the smallest fragment of newly-discovered records which can disclose any feature in the character or

conduct of political philosopher or statesman who may have lent a hand to the formation or working of the constitution of his own or another country.

It is easily said that Political Biography naturally combines two different orders of interest,—that of narrative—the unfolding of a story;—and that of individual experience and portraiture of character: this is true enough; but the point before us regards the interest and efficacy of the study of History itself, by the road of Biography. If evidence of this fact had been necessary of late years it would have been found in the gratitude with which our own country and people, and some abroad, have received the inestimable gift conferred by the Master of the Rolls in rendering accessible to us documents illustrative in all manner of ways of the reigns of our sovereigns for successive centuries.

Amidst the wealth of that disclosure, one of the most prominent gifts is that which Dr. Pauli avows to have been his immediate stimulus to the production of his Life of Simon de Montfort. So noble a boon is fittingly acknowledged by the frank gratitude of the biographer; but we, his readers, owe a double debt. The new materials are one boon; but many of us would have known little of them if the Historian had not presented to us the great period following the event of Runnymede as the influences of that period were reflected in the life of its most remarkable man.

Till this late extension of our knowledge we were misled, or uninformed, on many points of story and

of individual and social character. We can now rest in a cheering certainty of the most essential facts that can concern a community. It is no small matter that one of the greatest characters in our history is at length canonized by the authority of History,—that he is known now as no self-seeking rebel, no revolutionary mischief-maker,—that he had clear aims and steadfast purposes,—that, while of foreign birth and connection, he was so thoroughly English by all the highest sorts of qualification, that England will remember while the world lasts that to him she owes her first place in the history of nations as governed by true Representation in Parliament. As a statesman he distinguished himself by the two conceptions on which his political action was based,—the extension of political function to the Commons, and the principle of Representation. Instead of mere assemblage of summoned classes on the one hand, and the democratic method of delegation on the other, he proposed and instituted REPRESENTATION,—as it must in due time be exemplified wherever Liberty is understood and enjoyed. In that institution of his lies the proof of his appreciation of the people; and in their adoration of him lies the evidence of his exemption from all those taints of foreign breeding which made his French countrymen so odious to men of all orders who had seen the strange spectacle of that day and generation. They had seen confirmations of MAGNA CHARTA succeed each other after ever-renewed breaches of faith on the part of the King and his foreign and courtly factions, and amidst the distrust,

the wrath, the turmoil under which society was heaving to and fro, one element of opinion and will remained stable,—the popular trust in the adviser of self-government,—"St. Simon the Righteous."

The people appreciated him as far as their qualifications enabled them, in this direction or in that. There were some, however few, who saw in him scholarship as distinctive as his active capacities,—statesmanship as thoroughly characteristic as his military eminence,—domestic affections as genial as his devotedness to the welfare of his country and his kind. Yet his great name was subject to eclipse, like that of many another leader of men. He was represented to successive generations as of the vulgar order of revolutionary agitator and ambitious rebel.

It seems to have been by the sort of anticipation which prepares Society for some new burst of historical light that since the beginning of our century a growing interest in Simon de Montfort has been observable, and a more lively curiosity in regard to his character and his story.

Now, at last, his position in History is so ascertained and established as to secure his name and fame from neglect or perversion. The records of his story are given into the hands of the public: Dr. Pauli has derived from them a thoroughly acceptable portrait of the man and his time: and those who do not read German may now by this translation study the institution of Representative Government in England in the interesting form of Political Biography.

Under the remarkable development of Historical study at present, as the education of both sexes receives extension, this work will surely be welcomed for any one of its several bearings; and among them all there will scarcely be room left for any generation henceforth to ask, as our grandfathers too often did—"*Was* Simon de Montfort a great and good man?"

H. M.

May, 1876.

[The original of Simon de Montfort was published nearly ten years ago, and, through the kindness of Dr. Pauli, the translation may be looked upon as a new edition. He has himself revised it throughout, introducing occasional changes in the text, and adding fresh references, chiefly to the works of Prof. Stubbs and new editions of the Chronicles.—*Translator*.]

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PREFACE.

In connection with the force of ideas and the energy of new political principles, there has been need in all ages for the one prominent individual in whom they may be personified, and who may break open a path for them where he himself essays to advance. And in the days of a great revolution some master spirit seldom fails to arise, a man who, being himself the product of great general excitement, concentrates in his own person the aspiration which gives it birth, and, venturing upon an enterprise resembling a riddle or a game of hazard, is proclaimed either conqueror or martyr by the result. His claim to notice is stronger in proportion as the principle of preservation of all that is fully tested and established is combined in him with the principle of innovation, and in proportion as the popular term of liberal or conservative is inapplicable to him.

It has never been questioned that Simon de Montfort, Earl of Leicester, gave a decisive direction to the early development of parliamentary government in England,

when, in venturing for the first time to summon the Commons, he added the idea of representation to the previously existing custom of severally convoking the members of certain classes. Yet, mainly because of his personal fate, he, centuries later, was universally regarded, like Oliver Cromwell, as a revolutionist whose influence had been evil, despite its undeniable results.

It is remarkable that though the defenders of parliamentary rights in the seventeenth century were zealous in bringing to light documents and records relating to earlier epochs in their country's history, they concerned themselves but little about his life and achievements.* The first to deal with the subject were men of opposite politics, who wrote the history of England in a connected form, after the personal monarchy of the Stuarts had been re-established and a second time destroyed. Thomas Carte, the Jacobite, in his book treats of Montfort as of a base and ungrateful rebel, and for a whole century Tory historians have echoed his sentiments, notably Hume, who, though he cannot altogether resist the impression of great qualities, finds much more of hypocrisy and ambition, who condemns him as "a bold and artful conspirator," and calls the House of

* Sir Roger Twysden stands almost alone. Certaine Considerations upon the Government of England, ed. J. M. Kemble (Camden Society, 1840), p. 97: And it is cleere the people of England were so far from accounting them who dyed in armes against their prince to have beene guilty of sinn for it, as they have been hardly restrained from honouringe them as saints, thinking them to dye "pro justitia ecclesiæ et regni."

Commons "a plant set up by an inauspicious hand."* Only in later days the Whigs have naturally adopted him as the unconscious champion of the freedom of after generations.†

Very recently an article in the Quarterly Review has attempted a much wider, higher, and more impartial estimate of his character, founded upon the best materials, which have now become unusually abundant; and from the same quarter a more extensive treatise upon Simon de Montfort is in prospect.‡ The author of the present work confesses that he has been stimulated thereby to take the subject in hand again, though scarcely treating it exhaustively. The inducements were, partly the fulness of the documents and annals made accessible during recent years in the collection issued under the superintendence of the Master of the Rolls, partly the wish to revise carefully by their help those episodes, at least, that relate to them in a section of the English History written fourteen years ago, when it was still necessary to collect laboriously the most im-

* History of England, ed. Basel, ii. 466, 487, 493.

† Sir James Mackintosh, History of England, 1830, i. 238. Macaulay passes him by altogether. Hallam, View of the State of Europe During the Middle Ages, ed. 1855, iii. 27, still speaks of the innovation of a usurper.

‡ Quarterly Review, vol. cxix. 26, from the pen of Dr. Shirley, the late lamented Professor of Ecclesiastical History at Oxford, who died in the prime of life in 1866. According to Shirley, Royal and other Historical Letters illustrative of the reign of Henry III., vol. ii. 434, Mr. Cobbe was engaged upon a life of Leicester.

portant materials from among the archives of the Tower. The biographical form naturally suggested itself for the monograph.

Its dedication to the revered and distinguished teacher and master will be deemed fitting by all who have perused Ranke's last great work, where, in a few incomparable lines, he has indicated the place due to the great creator of the Lower House.

SIMON DE MONTFORT.

INTRODUCTION.

THE NORMAN MONARCHY — JOHN LACKLAND — MAGNA CHARTA—THE COMPROMISE AFTER THE CIVIL WAR—FAVOURABLE AND ADVERSE TENDENCIES UNDER HENRY III.

THE strong monarchic power of the Norman kings in England, unique as it was in character at a time when self-governing feudal States everywhere else circumscribed the throne, had yet difficulty, after a few generations were passed, in preserving its foundations unshaken without disturbing the outlines once sketched by the Conqueror.

A contest for the throne, substituting for awhile the reign of violence for public tranquillity, the struggle between Church and State under the first Plantagenet, the crusade that caused his son and heir to forget the duties of sovereignty, each in turn had aided the

development of forces that had always existed immediately beneath the throne, and awakened claims which were in part older than its supremacy. An admirable administrative system by means of sheriffs and judicial commissions united all authority, whether civil, military, judicial, or financial, in the person of the monarch. But, though this organization was still maintained in tolerable efficiency, Henry II. had been compelled gradually to expand the ancient royal courts of his ancestors into a kind of national assembly, and to summon at least the higher nobility to his assistance against the haughty priest through whom the Church, even in the little island kingdom, laid claim to all those spiritual and temporal prerogatives won by the mightiest Popes from Salic and Hohenstaufen monarchs. The old Teutonic institutions, the legal customs of the Anglo-Saxons, had never been forgotten: with each new reign the foreign master had solemnly confirmed them to the conquered people, and it was to them that appeal was made against Thomas Becket and the Canon Law. But, though very welcome to the monarchy for the purpose of sheltering the State against the feudal supremacy of Rome, they became no less dangerous to it when the tenants-in-chief learnt how to make use of them for the purpose of attaining to greater political consequence. In the circle of the great Norman vassals the memory survived of the vastly more important privileges exercised by their predecessors, the Anglo-Saxon Witan. The lesser Barons, attracted rather by the public life of the

county than by that of the kingdom, began to draw near to the numerous Anglo-Saxon freeholders, and to take part in their communal life, which had never been interrupted. At least one town, the greatest in the country, elected its own magistrates, farming the taxes due to the Lord of the Manor and receiving in return recognition of its corporate rights by royal charter. And, lastly, the sentiment of nationality could never be wholly stifled in the Church, either by the catholicity of her aims or by William I.'s incorporation of the Norman clergy in the ranks of his socially splendid, but politically dependent, feudal organization. Thus, in a narrow and isolated territory, many influences combined to soften with the lapse of time the violent enmity of race, to level by slow degrees the antagonism between victors and vanquished, and to open the way for the reconciliation of Norman genius for government with Saxon traditions of immemorial personal and communal liberty. Moreover, the first blending of two different nationalities in itself involved a danger to the absolute monarchy, which in this form had only become possible through the sharp antagonism of race. The danger increased immeasurably when Normandy was lost, the original continental heritage of the rulers, and the fortunes of their dynasty became bound up with those of the island more closely than before.

King John, who had once treacherously helped to overthrow the regency established by his crusading brother, had at Richard's death set aside his nephew,

the lawful heir, and, in order to force his way to the throne, had probably murdered him with his own hand. He suffered the punishment of such misdeeds when his liege lord, Philip Augustus of France, ignominiously deprived him of the land of his fathers, both on the field of battle and in the court of his peers. His own vassals, of whom he had sought to assure himself in earlier enterprises, now regarded with abhorrence and indignation a prince whose wickedness threatened them all alike, their property and estates, their power and honour. Even whilst in possession of the still almost unshaken powers of sovereign authority, his government was a system of licentious misrule. Their own safety required that the barons of Norman descent should combine to resist the tyrant with their English-speaking tenants and the independent freeholders of the same race.

John soon afterwards brought upon himself the censures of Rome also, for after a disputed election to the archiepiscopal see of Canterbury he refused to grant admission into the kingdom to the papal nominee, Stephen Langton, an Englishman who had been a personal friend of Pope Innocent III. ever since their student-days in Paris. Further, he joined with his nephew, the banished Guelph Emperor Otto IV., in that widely extended league which ventured to oppose the policy of the allied Capets and Hohenstaufen in the border States of France and Germany, assisting heresy in Languedoc against the orthodox authority of the Church, and the numerous chieftains on the slopes of

the Pyrenees against the progress of French centralization. There was a moment when the English Barons, who had risen, as they solemnly declared, to defend the rights of the Church as well as their own fiefs, appeared as the Pope's allies, and Philip Augustus himself prepared an expedition against England. John must have been ruined if he had not seized this moment, before any decisive military catastrophe ensued on the continent, to make terms with his most formidable antagonist. He was guarding the coast at Dover with his foreign mercenaries, and there, on the 15th of May, 1213, as Innocent III. required, he took at the hands of Pandulph, the Papal Legate, the oath of fealty for England and Ireland which his ancestors had constantly and resolutely refused. At the same time he was compelled to sanction the return, not only of Stephen Langton, but also of certain of the lay nobility whom he had banished.

The antagonistic forces now changed their direction in a manner surprising to all parties. The Barons, who had aimed at privileges of security and independence, were henceforth unable to look upon the Pope as an ally: the Pope was rudely undeceived with regard to his scholarly friend, and the King failed in his attempt to wreak unchecked vengeance upon his enemies, because the same Archbishop Stephen did not withdraw the sentence of excommunication until the ancient laws of Edward the Confessor had been afresh confirmed by oath. When the King, nevertheless, persisted in his violence, the learned lawyer and patriot drew the

attention of his countrymen to earlier franchises, especially to the coronation charter of Henry I., whereby in former times the first bounds had already been set to the military supremacy of the feudal sovereigns. Through him, clergy and aristocracy were inspired with a new sentiment of nationality, which could no longer be called Romance in character. The servant of the Church not only left the confederate peers unrestrained, he even aided them with his counsel when, openly revolting against the sovereign, they entered at the same time into a contest with the Pope, whose paramount authority they had once well-nigh desired, but now disowned as unworthy. Prudently assuring themselves of the capital and the wealthy citizen class which was supreme there, they scorned both outlawry and interdict, and, as if inspired by a holy cause, defied the King and presented themselves to the country as an "army of the Lord." No one came to John's help, for the Pope could not stretch his arm across the channel without aid from Philip Augustus, the victor of Bouvines, who would consent to no terms with the English King. Beset on all sides by clergy and laity, by his own subjects, the vassals and their tenants without distinction of race, the King came down from his castle of Windsor to the meadow of Runemede on the 15th of June, 1215, and affixed his seal to the Magna Charta, as drawn up in accordance with the articles presented to him by the Barons with swords in their hands.

It may be that in the constitutional history of other

nations, one or another statute points to a similar political origin, but nothing can be found comparable to this pillar of the English constitution. When the monarchy was shaken by the consequences of irresponsible tyranny and arbitrary violence, it was owing to Magna Charta that a firm basis was regained in the old German birthright of personal liberty, and the first effort made to attain to constitutional government by means of the principle of representation.

With the closest possible adaptation to the feudal circumstances of the age, sixty-three clauses were drawn up to define the lawful limits of the liege lord's supremacy, military, civil, judicial, and financial, and to secure these limitations more firmly than by the charters that had been customary hitherto. For the latter purpose a solemn oath was to be sworn be the two contending parties, and a committee appointed of twenty-five Barons, who, as guardians of the agreement, were to be invested with power of making armed resistance and of distraining in case the King disregarded his engagement. (61.) John was obliged further to concede that when other feudal contributions were required by the crown than three ancient prescriptive dues, especially when scutage was demanded instead of personal military service, the great council of the realm should be called together; the great Barons individually by royal writ, the smaller nobility holding fiefs immediately of the crown, collectively through the sheriffs. (Art. 12, 14.) Without further interference in executive functions,

the confederates hoped to obtain the best guarantee against their arbitrary exercise through this right of assent accorded to all concerned. A similar provision restrained the tyranny of penal jurisdiction in the famous clause that henceforth no free man should be imprisoned, disinherited, banished, or otherwise injured in life or limb, except by the verdict of his peers; that is, the judgment of his legal equals, and the law of the land. (Art. 39.)

But some general ideas impressed upon Magna Charta its peculiar and imperishable character. The people of Saxon and Norman descent, all ranks and all orders, had revolted against the same evils, and the great act not only marked an important step in the progress of national reconciliation, but also discovered the essential idea upon which a constitutional State is grounded, the common interest of all free classes of the population. Here we do not see a single vassal, or a single noble caste, insisting upon a new and exclusive privilege, as often happened upon the continent, but the legal protection of all was kept in view, with a clear and admirable recognition of the immutable supremacy of the commonwealth. Therefore the Norman undertook to observe towards the English freeholder, the noble toward his lower vassals, each in his degree, the same feudal engagements as those claimed by themselves from the crown. Therefore burghers and yeomen were not excluded, and a special mention distinguished the powerful city of London in the article making extraordinary aids con-

ditional upon the privileges of the estates. Therefore the Prince of Wales and the King of Scotland, so far as they had suffered from John's violence, and, above all, the Church, despite her peculiar canonical privileges, all appeared closely interwoven in the secular and national State, as allies of the Barons who won the charter of legitimate freedom.

Nevertheless, there existed in the connection with the clergy, although their privileges were guaranteed in the first article, a seed of immediate danger to the common work. No one was subsequently more faithful to it than Archbishop Stephen, who had been in a measure the spiritual father of the movement, but a higher than royal absolutism, that of the Pope to whom John had yielded his kingdom in fee, proved at the time more powerful. A general promise to seek no repeal of the concessions from the Roman See was obtained for insertion in the charter, but no personal pledge from Master Pandulph who was present.

To this King John trusted. At the moment of taking the oath, although fully determined not to observe it, he offered no opposition to the formal execution of the instrument, and suffered copies of it to be deposited in the cathedral churches of the realm; but it was omitted in the Patent and Charter Rolls of the year, an evident proof of the King's intention that it should never become a law of the realm. On the 24th of August the bull of dispensation appeared, as had been apprehended. Innocent III. there

described the Magna Charta as a "base, abominable, shameful, and unrighteous compact," and declared its authors to be worse than the Saracens. The Barons and the citizens of London were excommunicated, Stephen Langton was suspended, and the King himself solemnly forbidden to observe the agreement that had been forced upon him.

None could fail to perceive that the charter would have temporarily, perhaps permanently, restrained the free exercise of the royal authority, and it was equally undeniable that the measures adopted in order to bring about this result were revolutionary in character, however medieval views upon the vassals' right of coercion might differ from the views of to-day. King John saw in each limitation a derogation from his personal rule, but in his inmost soul he revolted most of all against the twenty-five guardians appointed to keep watch over him and the newly constituted public law, subjects who virtually presumed to suspend the action of the crown. He had no thought of dismissing his foreign troops, or depriving the foreign captains of the bailiwicks conferred upon them in England, as he had been compelled to swear. (Art. 50.) As soon as he was able, he disengaged himself from those who held him in restraint, and lurked about the southern coast until the arrival of the papal censures. Then, in possession of his foreign forces, the castles, and the treasury, he was well prepared to assume the offensive. At the commencement of the first civil war that blazed around Magna Charta, the bloody

prelude to a constitutional struggle of several generations, the vicious and despotic sovereign stood in the more advantageous position, protected as he was by the Pope and supported by the still almost unshaken State machinery of the Norman monarchy. His opponents, however just their cause might be, appeared even morally as the weaker party, for, when their twenty-five agents, a sort of committee of the estates, failed to command either consideration or respect among their fellow-countrymen, the Barons in their despair applied for foreign help, and Louis, the heir to the French throne, landed with an armed force in the spring of 1216, doubtless with designs of personal advantage. In the course of the following campaign, when reduced to the last extremity, John suddenly died on the 19th of October. The great Pope had preceded him by several months, but not until he had caused all such as had compromised themselves to feel his vengeance, and provided for the future by despatching a cardinal legate to England to quell the revolt and maintain the supremacy of the Holy Father.

It was perhaps well for the claims of monarchy themselves that they passed to Henry III., a child of nine years, and were represented by a sagacious protector, William, Earl of Pembroke. Moreover, the general course of affairs naturally tended towards a peaceful compromise after the death of the two most prominent actors on the scene. Some at least of the nobility, offended as Englishmen by the bearing of the French, and discouraged as a class by the

failure of their attempt to establish their own permanent authority side by side with that of the King, met in conference at Bristol on the 11th of November, with the representative of the Sovereign and the representative of a Pope in whom the fierce and noble characteristics of his great predecessor were equally lacking. In order to escape the horrors of excommunication and civil war, the three estates united in an agreement based upon the confirmation of Magna Charta, with omission of those premature constitutional demands, the committee claiming a sort of collateral government (Art. 61), and the right of taxation demanded by the assembly of the estates in certain extraordinary cases. The article concerning personal liberty remained intact, likewise the provision that penal jurisdiction over the Barons should rest with their peers, but the latter was so interpreted that the legal privilege could only avail before the King's supreme court. The same omissions occur in a subsequent confirmation of November, 1217, soon after the French had been obliged to withdraw upon moderate terms, and the princes of Scotland and Wales had been conciliated likewise. The influences of foreign countries upon the development of the national constitution were thus repelled on all sides, but not without sacrificing meanwhile the most important principles upon which it was based. The great Barons and vassals were themselves perplexed and irresolute in their attempts to protect law and justice. The crown could not regard either the

committee, with their power to distrain and appeal to arms, or the privilege of the estates to grant taxes, and necessarily also to refuse them, as compatible with its authority. After these disputed points, therefore, had been postponed till more propitious times, the expurgated draught of the 11th of February, 1224, with the added forest charter, remained thenceforth the official form of a compact which during following centuries was alternately broken and confirmed, and did not preserve even its mutilated shape unchanged. Without it the monarchy would scarcely have obtained even the outward submission of the vassals. But how could the Barons forget that which they had but now struggled to attain, which had received only very defective legal sanction, and which King and Pope could vie with one another in revoking and anathematizing? During the insecurity of Henry III.'s long reign the political conflict continually threatened to break out afresh, until it led at last to progress whereby the constitution was essentially transformed.

The men of the reconciliation soon left the scene; the old Earl of Pembroke was dead, and Cardinal Guala returned to Italy when he believed that he had provided for the foreign and domestic peace of the kingdom. He was succeeded by the grasping Pandulph, at whose side Pierre des Roches, the imperious Poitevin Bishop of Winchester, sought to govern the country at his pleasure. Other sentiments, loyal and peaceful, but at the same time patriotic, inspired the men who gathered round the great

justiciary Hubert de Burgh, Archbishop Stephen, the sons of the late hereditary Earl Marshal Pembroke, and other chiefs of the aristocracy. In these circles the object kept in view was to save the realm during the minority from the evils of faction, and especially to purge it from a number of foreign adventurers who had maintained themselves ever since King John's days in isolated royal fortresses.

Henry III. took the government formally into his own hands at Oxford in 1227. The confirmation of the charters was omitted on this occasion, although it had been universally expected. It soon became evident that the wearer of the crown was a prince without force of will, vacillating and dependent upon others, one who would weakly submit to the supremacy of Rome, and prefer incompetent favourites to any constitutional council of the tenants-in-chief The latter, great and small, were still entirely without experience and so far unqualified for organizing a permanent political corporation, so that the financial, military, and penal authority of the crown would have remained practically as unlimited as before, if growing pecuniary embarrassments had not made it necessary, at nearly regular intervals, to call together the Prelates and Barons, with whom it constantly became more difficult to deal. Popular aspirations and the individual goodwill of noble and discerning men, were wholly insufficient to establish the firm political conviction by force of which alone constitutional struggles achieve a salutary result. But the time of testing

and purifying had come, and some notable fruit ripened in the course of one remarkable generation.

The quarrel between the crown and the estates was kept alive mainly through the King's anti-national views, whilst the more worthy among the nobility relied upon patriotic feeling for support. Not only the clerical and financially disastrous rule of Papal Legates was directed against the strengthening of a distinct English nationality, but also the most positive preference on the part of the King, whose mother had contracted a second marriage with a Poitevin nobleman, and whose eldest sister was married to King Alexander II. of Scotland. In his early years he himself attempted to resume the war with France, in order to win back the numerous continental possessions of his house; through all his embarrassments he kept up his foreign relations, to the permanent injury of his domestic power. Availing himself of these propensities, Bishop Peter of Winchester in 1232 succeeded in making the Great Justiciary, Hubert de Burgh, the victim of base ingratitude and unworthy persecution: the noblemen of rank thereupon refused to contribute subsidies and gathered round the hereditary Earl Marshal, Richard of Pembroke, whom the Bishop then contrived to remove by murder. It was not till a conference at Westminster in the spring of 1234, after the Barons had again appeared armed in the field, and the Primate, the afterwards sainted Edmund of Canterbury, had threatened the

King with excommunication, that the foreign prelate, who had obtained for the King from Gregory IX. another dispensation from the oath upon Magna Charta, was dismissed from office with other hated counsellors. In the struggle for the right of appointing the royal council, which at brief intervals continually broke out afresh, the crown had been compelled to yield once more to the will of the nation.

Nevertheless, with the internal difficulties of his kingdom always in view, King Henry paused not a moment in his efforts to form widely extended connections with the greatest European powers. Contrary to the Guelph traditions of the Plantagenets, he at one time desired himself to espouse a Hohenstaufen princess, doubtless with the design of obtaining effectual assistance against France, and the project of a matrimonial alliance succeeded at least so far that his sister Isabella was married to the Emperor Frederick II. in 1235. He hoped to obtain patronage from Pope and Emperor at the same time, and in the following year St. Louis also became his brother-in-law through his own marriage with Eleanor of Provence. The results were alliances and treaties of most diverse character, and through them monstrous demands upon his own kingdom and subjects. When Pope Innocent IV. soon afterwards undertook the great war of annihilation against Frederick II., he treated the King of England already as his most obsequious vassal, his country as part of

the papal domain. One cardinal as Nuncio of the Curia no longer sufficed; in all dioceses of the British Isles permanent agents of the papal chamber collected the clerical revenues for their supreme master, and with his approval contrived to place the most lucrative English benefices in their own or their countrymen's hands. Soon the uncles of the new Queen found their way to court also, attracted by English wealth, which now first acquired European fame; one of them, Boniface of Savoy, even took possession of the archbishopric of Canterbury at the death of the pious Edmund. The King's step-brothers and sisters followed as soon as they ceased to be children. It seemed as if England had become, through the weakness and knavery of its ruler, the rendezvous and the prey of insatiable Provençals Poitevins, and papal emissaries.

Among the vassals who were settled on their estates must not these proceedings have aroused a suspicion that not only all their oft-promised privileges were concerned, but even their claim to the blessing of a home? With common grievances must not prelates and barons have again sympathized in the desire to obtain at last better guarantees than the swearing of an oath, and the sealing of the great charter, which in its essential principles was constantly disregarded? Their demeanour was surly and even menacing when they appeared upon the appointed days, still only the chiefs of the nobility and the dignitaries of the Church, for the purpose of granting subsidies in the name

of all the vassals of the crown, or ratifying a statute by their assent, as at Merton in January, 1236. Formally called together upon State affairs at regular intervals, their importance undoubtedly increased, and, as at other times, an imprudent absolutism itself gave impetus to its growth. In official language these deliberations were already styled Parliaments. Without constitutional authority, they repeatedly availed themselves of the growing sympathy of the nation to reject the shameless demands of the government, retorting by loud complaints against the administration. In order to break their opposition, and illegally to secure the richest revenues for foreign favourites, the great offices of State were conferred no longer upon native nobles, but upon men of low birth, generally Churchmen, who, in league with the Romish procurators, sought to discover fresh pretext for tyranny.

Dull and gloomy discontent smouldered in the country, for after Hubert was dead, and the race of the great Earl Marshal had become extinct, no courageous representative of national rights rose from among the native nobility. The people would have endured long with the patience of the Teutonic race, had it not happened marvellously, amid the general entanglement of European affairs in the middle of the century, that a stranger became, through a peculiarly romantic chain of circumstances, the champion of national freedom.

CHAPTER I.

THE HOUSE OF MONTFORT BEFORE 1239.

ORIGIN OF THE RACE—THE EARLDOM OF LEICESTER—SIMON DE MONTFORT IV—HIS RELATION TO ENGLAND—HIS SON SIMON IN ENGLAND, 1231—MARRIES THE KING'S SISTER, 1238—THE EMPEROR FREDERICK II. HIS BROTHER-IN-LAW.

THE race which was called Montfort l'Amaury, from its castle on a hill between Paris and Chartres, had already, in earlier centuries, been from time to time involved in the destinies of Britain. Tradition derived its origin from that Judith, daughter of Charles the Bald, who in 856 had married Æthelwulf of Wessex, and after his death exposed herself to ecclesiastical censures by a union with his fierce and turbulent son Æthelbald. She contracted a third marriage with Baldwin Bras-de-fer, Earl of Flanders. His great-grandson, William of Hainault, was said to have married an heiress of Montfort and Epernon at the

end of the tenth century, and to have become the founder of a family that through nine generations was represented in the direct male line.* Another genealogical tradition connected the race immediately with the royal house of Capet by making Amaury II. a bastard of King Robert instead of the son of William of Hainault.† It is certain that the Montforts were counted among the bravest and most loyal vassals of the French crown, and the situation of their estates helped to place them in the foremost ranks of the chivalry that always opposed a steadfast resistance to the encroachments of the Dukes of Normandy, and subsequently to those of the Counts of Anjou. In the wars between Louis VI. and Henry I. of England, Amaury IV., or Amaury I. as Count of Evreux, appears as assisting his cousin Hugo, Lord of Montfort sur Risle, Waleram, Lord of Meulent, and other refractory Norman nobles. His help was of no avail, for in 1124 the King-Duke remained victorious, and threw his prisoners into the dungeon at Rouen, excepting Hugo, whom he took with him to

* L'Art de Vérifier les Dates, ed. 1818. 8vo. Vol. xi. 471. In accordance with it, Histoire Littéraire de France, xvii. 205.

† Les autres (desquels l'opinion est plus certaine) dient à Baudouin, surnommé de l'Isle, Conte de Flandres, la fille du Conte de Noyon, de laquelle le Roy Robert eut Amaulry, père de Simon et Amaulry de Montfort, et dont est venuë la maison de Montfort l'Amaulry, ne peut être esté Royne, mais seulement amye du Roy. Du Tillet, Receuil des Roys de France, 1602, p. 65.

England to suffer long and strict confinement at Gloucester. *

In 1140 Simon was succeeded in Montfort and in Evreux by his second son, Simon III., surnamed the Bald, a contemporary of Henry Plantagenet, and of the events whereby he confirmed his power in England and Normandy. As Simon was at the same time a vassal of this energetic prince and of the French king, he could only keep his own advantage in view amid their incessant rivalries, taking or changing sides with all the skill at his command. The marriage, which became of so much consequence to his descendants, with the sister and co-heiress of Robert de Beaumont, Earl of Leicester, he owed to a passing connection with England, probably at the time when the heir to the throne was concerting a widely extended conspiracy against his father with many English and Norman nobles, amongst others with Earl Robert of Leicester. According to Domesday Book the De Beaumonts had crossed the channel with the Conqueror from their family seat at Meulent, and had received the great English barony of Leicester in fee. Robert, the fourth and last earl of the race, survived until 1204. His sister Amicia bore her husband three sons: Amaury, afterwards Count of Evreux, Simon, Lord of Montfort, Guy, Lord of La Ferté Alais, and

* And Hugo of Mundford he sende to Engleland, and let hine don on ifele bendas on thone castel on Gleucestre. Saxon Chronicles, ed. Earle, 1865, p. 252. S. Lappenberg, Geschichte von England, ii. 273.

three daughters. The father died in 1181, the marriage therefore must have taken place at least as early as 1173. But the insufficiency of the documents causes considerable obscurity with regard to the dates, the degree of relationship, and even to the hereditary right of Amicia.*

Again, with the second son of this marriage the race not only continued to flourish in the ancient inheritance, but reached at once the climax of its glory. Simon IV. of Montfort was that hero of the orthodox Church, equally famed as crusader, conqueror, and statesman, the most dreaded scourge of all heretical enemies, especially those belonging to another nationality. He had already reached the age of manhood in 1202, when he desired to seek adventure by joining the Venetian crusade against Constantinople, but refrained in obedience to the prohibition

* Concerning the marriage of Amicia to Simon III., Dugdale, Monasticon Anglicanum, i. 312, and Chronica Albrici Monachi; Trium Fontium in Monum. Germaniae Hist. S.S. xxiii. 871. Compare Anselme, Histoire Généalogique et Chronologique de la Maison Royale de France, i. 314. Also, according to Rot. Lit. Claus., ed. Th. D. Hardy, vol. i. 30, a. 1205, Amicie Comitisse de Montford manerium de Winterburnstok cum pertinentiis quod fuit datum ei in maritagium, and p. 70, August 28, 1206, 'Comitissa mater Comitis Leicestrie, she was the wife of that elder Simon and not of Simon IV.; the latter is an entirely untenable assertion by an heraldic scholar in the Historic Peerage of England, 1857, p. 283. The biography of Simon the younger in the Quarterly Review, vol. cxix. 27, calls Amicia Petronilla, a common family name with both the Montforts and the Beaumonts.

of Innocent III. Some years later his mother's right to the English earldom devolved upon him, the second son, and was confirmed by King John. He bore thenceforth the title of Earl of Leicester, although his enterprising nature quickly caused him to disregard the feudal allegiance it involved.* An ardent admirer† describes his noble and graceful appearance, his bodily activity, and his chivalrous temper. Eloquent and keen-minded, firm and immovable in all his purposes, heroic, brave, chaste, and devoted to the orthodox faith from interest as well as conviction, he united in himself all the characteristics of a northern French nobleman, as they are found variously distributed among individual members of his house during its

* In the document referred to of the 28th of August, 1206, John styles him Simon Comes Leicestrie. Confirmation of the 10th of March, 1207, Rymer, Foedera i. 96. But as early as the 27th of December, 1207, the words occur: Terra illa fuit in manu Comitis Leicestrie Simonis quem de terris suis precepimus disseisiri. Rot. Lit. Claus. i, 99.

† Petri Vallium Sarnaii Monachi Historia Albigensium, Receuil des Historicus des Gaules et de la France, xix. 22: Genere praeclarus, virtute robustus, in armis plurimum exercitatus . . . . statura procerus, caesarie spectabilis, facie elegans, aspectu decorus, humeris eminens, brachiis exertus, corpore venustus, membris omnibus agilis et habilis, acer et alacer . . . facundia disertus, affabilitate communis, contubernio amabilis, castitate mundissimus, humilitate praecipuus, sapientia praeditus, in proposito firmus, in consilio providus, in judicio justus, in militiae exercitiis sedulus, in suis actibus circumspectus, in incipiendis arduus, in perficiendis non defessus, totus divinis servitiis mancipatus.

long prosperity. Romantic, and at the same time practical, he was a master spirit in an age of profound agitation which gave birth to many new phenomena.

About the year 1190* he had married Alice, daughter of Bouchard V. of Montmorency; she came of a noble race, and was no less famed for her prudence and piety† than for the courage and endurance she manifested by accompanying her husband on his great conquering expeditions into southern France, though most of their four sons and three daughters were then infants, and the youngest was probably born at Lavaur as late as 1211. In Lent, 1210, she joined her husband at Pezenas with fresh troops from the north; a year later she and her eldest son Amaury appear as principal witnesses when the wealthy Raymond of Cahors was invested with the same castle, and again on a similar occasion, April 23rd, 1212.‡ On the 24th of June, 1213, the father and mother conduct the still youthful Amaury to the altar of the church of Castelnau d'Arri that he may be qualified to bear

* L'Art de Vérifier les Dates, xi. 481, says: Avant l'an 1191; Vic et Vaissette, Histoire Générale de Languedoc, ed. 1842, v. 129: Avant l'an 1190. I know not on what ground, for it is difficult to determine the ages of the children, even approximately.

† Petri Vallium Sarnaii Mon. Hist. Albig. p. 23. In ea quippe religio sapientiam et sollicitudinem adornabat, sapientia religionem et sollicitudinem informabat, sollicitudo religionem et sapientiam exercitabat.

‡ Consensu et voluntate dominae Aelipdis comitissae uxoris meae et consensu et voluntate Amalrici primogeniti filii mei; May 12, 1211. Hist. de Languedoc, Preuves, v. 582, cf. 188.

arms in the holy war. On the eve of the battle of Muret, against the King of Aragon, Alice has an evil dream, but her husband calmly bids her leave such presentiments to the superstitious Spaniards. In 1217 she defended Narbonne against Count Raymond of Toulouse.* She was a woman of high courage, altogether worthy of her husband, whom she survived three years after he fell before Toulouse. She died on the 22nd of February, 1221, and the dust of both found a last resting-place in the family sepulchre of Hautes-buyères, facing the castle hill of Montfort. Thither Simon's bones were transported, after they had first been interred with pomp and ceremony in the cathedral at Carcassone as those of a saint and martyr.

We do not here follow the history of the Albigensian war, and those undertakings whereby its greatest hero sought to extend his power. So long as he was supported by Innocent III. and the Lateran, he appeared to have established successfully his own dominion in the place of many Provençal dynasties, and carried out his own purposes in defiance of England, Aragon, Navarre, Castile, and Sicily; but even in his lifetime a reaction set in against him, fostered in several quarters, and not least by his liege lord the King of France. We rather seek to trace his relations with his English suzerain.

* La Contessa de Montfort, laquala era per hora dins la castel Narbonés an granda garniso. Hist. de la Guerre des Albigeois, Receuil, xix. 178.

After his mother's death the crown fief of Leicester was divided between Saiher de Quency, Earl of Winchester, and the house of Montfort, and on the 10th of March, 1207, King John invested Simon with the third penny of the county and the office of High Steward of England, which was associated with the title to the earldom.* But he never actually entered upon the inheritance which was recognised as his. According to one chronicle the insurgent Barons of England in 1210 desired to make him their leader, if not even their king;† in the war between England and France he sided with the latter; in his crusade against the heretics he turned his arms first and chiefly against Count Raymond VI. of Toulouse, John's brother-in-law, and for these various reasons the English King deprived him of his offices and estates, and transferred them to Ralph, Earl of Chester.‡ But, in spite of deprivation and banishment, he continued to bear the title of Earl of Leicester, and was so designated in 1209 by Innocent III. who, having

* Rymer, Foedera i. 96. Compare Hudson Turner, Manners and Household Expenses of the XIIIth Century (Roxburgh Club, 1841); preface, p. xi.

† Annales de Dunstaplia, ed. Luard, 1866 (Rer. Brit. med. aevi SS.), p. 33, a. 1210, Rex . . . suscepit rumores de conspiratione facta contra eum a baronibus suis, et quod elegerant Simonem de Monteforti in regem Angliae.

‡ Not until the year 1215, according to Hudson Turner, l. c. In 1217 Henry III. transferred to the Earl of Chester another manor, Quod est de feodo Comitis Simonis de Monte Forti, not Leicestrie. Rot. Lit. Claus. i. 326, b.

himself quarrelled with the English King, now confirmed his vassal in the conquered territories of Beziers and Carcassone.* Simon habitually styled himself at this time, Lord of Montfort, Earl of Leicester, and, by the grace of God, Viscount of Beziers and Carcassone.† Others, however, as the Bishop of Cahors, Cardinal Robert, and Innocent after he was reconciled with King John, addressed him simply as Count of Montfort.‡ It was not till later, when his triumphs over his chief antagonist, Raymond, had reached their climax, that he assumed his titles, Duke of Narbonne and Count of Toulouse, and dropped that of Leicester, presumably at the request of Pope Honorius III., because the curia was again at peace with the King of England.§ Though the conquests were rapidly lost after the father's death, his eldest son continued to bear the same titles, so that in 1220 he styled himself Duke of Narbonne, Count of Toulouse, Earl of Leicester, Lord of Montfort, and

* Innoc. III., Epp. xii. 122–129. Hurter's opinion that the Earl's title was a personal designation is erroneous. Gesch. Innoc. III., II., 303, N. 834.

† For the documents see Vic et Vaissette, V. 571, 573, 574, 577, 591, a. 1209, 1210, 1214.

‡ Ibid. 583, 592, 597, a. 1211, 1214, 1215.

§ Ibid. 601, a. 1217, 1218. Once in the year 1216 he went into North France upon affairs relating to his inheritance, but it cannot be said whether the English fief was the occasion. Pro eo quod in fata concesserat Amicia mater sua. Chronologia Roberti Altissiodor. Recueil, xviii. p. 283.

Constable of France, but at the same time he was addressed merely as Count of Montfort.* The English claims revived with greater distinctness when the proud but now unsubstantial conquests in southern France were ceded to Louis VIII. in 1224, and to Louis IX. in 1227. Amaury remained thenceforth Constable of France, Count of Montfort, and Earl of Leicester,† but all prospect that the last of these titles could ever again be made good seemed to have disappeared.

The duchy of Aquitaine, the possession of the Plantagenets with its dependent principalities, stood in imminent danger of being swallowed up by the crusade so long as the Pope gave his full support to the great Simon, and made no terms with England. John's seneschal, Savery de Mauleon, then held a most arduous post. At the synod of Lavaur, in 1213, the chief accusation brought against Count Raymond before the Pope was alliance with all the enemies of the Church,—the Emperor Otto IV., the Kings of England and Aragon, and the Sultan of Morocco.‡ Crusaders gathered together from the whole of northern Europe, from the Rhine and from Germany, but none came from England, with a single noteworthy exception; Walter Langton, brother of the Archbishop of Canterbury, placed himself under Simon's banner, and in 1211 was taken prisoner by

* Vic et Vaissette, 606.

† Ibid. 625, 645, 646.

‡ Innoc. III., Epp. xvi. 41.

the heritical Count of Foix*. But the treaty between Innocent and John, though immediately directed against the insurgent Barons in England, very soon produced an effect in the south also. Not only was Simon compelled by the Pope to release the infant Jaime of Aragon, whom he had destined to marry one of his daughters, but also the English at the same time were able to gain ground once more. John even ventured to recommend his nephew, the younger Raymond, who styled himself by preference son of Queen Johanna Plantagenet, to the Lateran Council, and it was owing to change in the papal policy, still more than to success of native arms, that the conquests of the northern French were so soon checked. Not the Popes, but Philip Augustus and his dynasty, out of regard for their own feudal interests, recognised the house of Montfort in the wide but insecurely defended districts south of the Garonne. The Papal Court had no desire to see a new dominion founded north and south of the Pyrenees, or the whole district absorbed in one great French monarchy, and therefore it preferred to desist from the merciless persecution of heresy, in order that the old dynasties might be preserved in Languedoc, Provence, and Aragon. In Aquitaine, as well as at home, it helped to preserve his possessions to the English sovereign; the advancing power of the northern French, after assisting the English Barons and the orthodox crusaders, was pressed back

* Galterum de Langatone, fratrem episcopi Cantuariensis. Petr. Vall. Sarn. Receuil, xix. 50.

on either hand, and it then became the interest of the house of Montfort, never, after all its losses, seriously estranged from Rome, to establish amicable relations with the Plantagenets, as well as with the Capets, during the period of treaties and truces.

The deprivation of Simon de Montfort was maintained under Henry III.,* until, at the time when a sorry peace was concluded with the French in 1231,† the Montforts themselves sought to renew the old connection. The death of Ralph, Earl of Chester, upon whom John had conferred the forfeited fief of Leicester, so far as it was left entire, opened the way on the 26th October, 1232. Amaury, as head of the family, immediately made application on behalf of his youngest brother Simon, who had already gone to England. The intermediate brothers, Guy and Robert, were dead.

We do not know the time and place of this remarkable man's birth, but it may be presumed that he was born before his mother hastened to join her husband in the south, therefore about 1208, and afterwards grew up under her eye in the castle of Montfort.

* Henry III to Stephen de Segrave, July 28, 1218. Rot. Lit. Claus. i. 366b. Audivimus, quod Comes Simon de Monte Forti in fata concessit . . . plenam saisinam de omnibus terris in balliva vestra que ipsum Simonem hereditaria contingebant de Honore Leicestrie. Aug. 26, ibid. p. 399. Rex concessit P. Winton, Ep. (des Roches) custodiam terre que fuit Comitis Simonis de Monte Forti quam diu ei placuit.

† Geschichte von England, iii. 582.

When some twenty years old he had sought to attain distinction in the unquiet days when Queen Blanche ruled in the stead of her young son, Louis IX, but her displeasure had compelled him to leave the kingdom.* It is probable that he had already been active as an English partisan in his own country, for just at the time of the three years' truce he found an extremely gracious reception at the court of Westminster. In April, 1230, Henry assigned him a temporary pension of 400 marks; on the 13th of August, 1231, he accepted Simon's homage for his grandmother's inheritance.† This was but the first step, in some measure the naturalization of the stranger; full installation in his office and dignities involved a long and tedious negotiation, for as England advanced along the path of independent national development, the monarch was less and less able to permit a divided allegiance among his subjects.‡ It was chiefly for this reason that Amaury determined to waive his own

* Chron. Guil. de Nangiaco. Recueil xx. 548, a. 1239, Simon de Monte Forti, miles quidam de Gallia strenuissimus .... infensus reginae Franciae matri regis piissimi Ludovici fugiit in Angliam ad regem Henricum, quem ipse rex benigne suscipiens dedit eidem in conjugio sororem suam cum Leicestriae comitatu.

† Shirley, Royal and other Historical Letters illustrative of the Reign of Henry III. (Rerr. Brit. med. aevi SS.) i. 362, 401. Also Excerpta e Rot. Finium, i. 217. August, 1231, cujus homagium rex cepit de honore Leicestrie.

‡ It is true that certain revenues (eschaeta) were also granted to Simon in Normandy, donec terra nostra Angliae

claim to the English earldom in favour of his brother.

But years intervened before Simon could attain his object, and, being himself without property and burdened with debts, he was meanwhile supported by pensions from the revenues of Leicester.* Like his father he was adventurous and aspiring; twice he believed that he should succeed in forming a brilliant matrimonial alliance in his own country, but each time his expectations were ruined through the jealousy of the French court;† his energetic spirit then found at the English court fitting means of obtaining, together with the coveted earldom, a personal position and an opportunity for the profitable exercise of his talents.

His beautiful face, his noble figure and his chi-

et terra Normanniae communes fuerint, June 15, 1232. Shirley i. 407.

* Quod exitus terrae que de honore Leicestriâ usque in iiii annum post obitum ejus (the father's) sint ad acquietationem debitorum suorum. Rot. Lit. Pat. 20: Henr. III., membr. 4; July 28, 1236.

† Chronica Albrici Monachi Trium Fontium, Monum. Germ. Hist. SS. xxiii. 940. Quidam machinatores contra regem Franciae clam procuraverant matrimonium comitissae Flandriae cum viro nobili Symone de Monte Forti, fratre comitis Almarici, qui Symon alienatus erat a Francia eo quod esset suspectus in regis curia propter redditus quos habebat in Anglia et fidelitatem quam Anglorum regi fecerat. Quapropter istud matrimonium perdidit sicut et illud comitisse Bolonie perdiderat.

valrous bearing,* no less than his very considerable intellectual endowments, won him the love of Henry III.'s youngest sister, Eleanor, who was born in 1215 and in 1224 had been espoused to William Earl of Pembroke, the younger, when she was nine years old and he forty; but since the 15th of April, 1231, she had been a widow.† Before Edmund of Canterbury and Bishop Ralph of Chichester she had once vowed to take the veil,‡ but this did not prevent the consent of even her devout brother, King Henry, to the union that she and Simon desired. The ring was not yet placed upon her finger which would have sealed her as the bride of Christ. On the 7th of January, 1238, the pair were privately married in the royal chapel of St. Stephens, the King himself leading the bride to her husband.§ When received into the council as Earl of Leicester,

* Vir in armis strenuus et armorum peritia callidissimus. Guil. de Nangaco. Recueil, xx. 414. Sicut erat miles strenuus, in corpore procerus et facie formosus. Chron. de Lanercost, p. 39: Bannatyne Club.

† Mrs. Green, Lives of the Princesses of England, ii. 48, 57.

‡ Thomas Wykes, ed. Luard, Annales Monastici, Rer. Brit. medii ævi SS. iv. (1869) p. 65, under the year 1224, Quæ viro suo defuncto aliquamdiu permanens in viduitate, in præsentia Sancti Edmundi Cantuariensis archiepiscopi et Sancti Ricardi Cicestrensis episcopi solemne votum castitatis emisit, cujus postea prævaricatrix effecta, nupsit Simoni de Monteforti comiti Leycestriæ.

§ Matthæus Paris, 465, ed. 1640. In parvula capella Regis quæ est in angulo cameræ, tradente eam Rege per manum eidem Simoni.

and brother-in-law of Henry III., Simon might have acquired immediately a controlling influence upon public affairs, had it not been that the ever wakeful opposition of the Barons was aroused against this new favourite, who was likewise an alien, whilst the clergy took exception to the doubtful marriage.

It was impossible to conceal the latter event, and both estates felt themselves to be deeply wronged, because the princess had been given without their consent to the foreign noble who had for some time been an object of envy and jealousy. The King's brother, Earl Richard of Cornwall, openly raised the standard of revolt at the head of the nobility, seeking to call the men of the Cinque Ports under arms.* The majority of the Barons with the Earl Marshal Gilbert at their head tumultuously demanded Simon's removal; none listened to the mediation of the Papal Legate, and when the King's court met during Lent,

* Prohibition addressed to them by Henry, February 3, 1238: Eo quod tradidimus nuptui comitissam Pembrochiæ sororem nostram Simoni de Monte Forti. Shirley, Royal Letters, ii. 15. Matth. Paris, Historia Minor (Compendium of the Great Chronicle). ed. Sir F. Madden (Rerr. Brit. med. ævi SS.) ii. 404. Commotum est regnum vehementer, eo maxime quod rex, præter suorum magnatum consilium et assensum præsertim comitis Ricardi, procuravit illud tam arduum matrimonium inter Simonem de Monte-forti et Alienoram, contra etiam voluntatem et consilium sanctissimi archiepiscopi Edmundi, in cujus præsentia dicitur ipsa Alienora votum fecisse continentiæ vidualis, vestibus utens tinctura carentibus. Cf. Stubbs, Constitutional History of England, ii. 55, 56.

and other grievances were brought under discussion, it was decreed that Simon should remain excluded from the royal council. A proposal of certain reforms appeared to satisfy even his brother-in-law, Earl Richard, but the scruples of the Church only grew the more serious. If Eleanor had given but a preliminary promise to remain single, her marriage was nevertheless a grave offence against canonical ordinances; none but the Pope could subsequently release her from the vow and pronounce pardon.

In March Simon set out for Rome, to avert the threatened disgrace and displeasure. A rich citizen of Leicester had advanced him 500 marks, the money necessary for the Papal court.* On his way thither he waited upon his great brother-in-law, Frederick II., who had just won the battle of Cortenuova, and was now ceaselessly striving to break the obstinate resistance of the Lombard towns which were in league against him. One would gladly know more about the personal intercourse of these two men.† The brief mili-

* Matth. Paris, 468, Historia Minor, ii. 405, 406. The King's safe conduct, dated the 27th of March. Rot. Lit, Pat., 22 Henr. III., membr. 8.

† From Matth. Paris, without continental notices, it can only be conjectured that Simon met the Emperor in May on the occasion of the diet in Cremona, and, after leaving the Papal court, did service at the siege of Brescia, like many other foreign nobles. Compare Böhmer, Reg. Imp. 1198–1254, p. 179, 180. Schirrmacher, Kaiser Friedrich der Zweite, iii. 28 *et seq.* Winckelmann, Geschichte Kaiser Friedrich's des Zweiten, ii. 94 *et seq.*

tary service rendered by the adventurous knight to the mighty ruler in his fruitless struggle against municipal freedom was requited by commendations to the Pope, which might still be serviceable at this time, before the irreparable breach between Frederick and the Vatican. On the 10th of May, Simon obtained the wished-for dispensation from Gregory IX.;* and, notwithstanding the opposition of the Dominicans and Archibishop Edmund, the Legate Otho was directed to release Eleanor from her vow. Simon travelled home joyfully, received an affectionate welcome from King Henry on the 14th of October, and then hastened to Kenilworth castle, where six weeks later his wife bore him a son, an event hailed with rejoicings at court where it was still feared that the Queen would be childless.† On the 2nd of February, 1239, Montfort was at last formally installed in the earldom of Leicester, and thereupon admitted among the Barons of the realm and the counsellors of the crown.‡

* Super matrimonio, quod inter te ac nobilem virum S. de Monte Forti Comitem Leicestrie (ac nobilem feminam E. filiam regis Anglie) in facie ecclesie intelleximus esse contractum, nobis et fratribus nostris sunt a diversis diversa relata, per que non vidimus contra jam contractum matrimonium presumendum, vi. Id. Mai. Double copy in Monum. Brit. ex autographis Rom. Pont. Mus. Brit. MS. Add. 15, 354, p. 84.

† Matth. Paris, 471, 475, 481.

‡ Matth. Par. 483. Die vero Purificationis S. Virginis contulit Dominus Rex comitatum Legriae Simoni de Monte Forti et in-

vestivit, vocato primo comite Almarico primogenito fratre ejus et pacificato, ne super hoc aliquando moveret questionem. Rot. Cart. 23 Henr. III. 32, 34. Amaury's renunciation. Rymer i. 203. dated an. 16 Henr. III. (123½), but certainly a later copy, for Cardinal Otho (in England from 1237 to 1241) appears among the witnesses.

CHAPTER II.

EARL SIMON OF LEICESTER ALTERNATELY IN FAVOUR AND DISFAVOUR.

FIRST RUPTURE IN 1239—THE BISHOP OF LINCOLN AND THE FRANCISCANS—CRUSADE TO PALESTINE, 1240—SIMON ACCOMPANIES THE KING TO GUIENNE, 1242—OPPRESSION OF ENGLAND BY THE POPE AND KING—SIMON'S RETIRED LIFE, WITHOUT PARTICIPATION IN POLITICS — HE IS MADE GOVERNOR OF GUIENNE, 1248—THE REBELLIOUS GASCONS AND THE INTRIGUES AT COURT—SIMON IN HIS NEED COUNSELLED BY THE FRANCISCANS — INVESTIGATIONS AND PROCEEDINGS AGAINST HIM, 1252—FRESH BREACH WITH THE KING—THE EARL HIMSELF ASSERTS HIS RIGHTS IN GASCONY — HENRY III. AT BORDEAUX APPEALS TO HIM FOR HELP, 1258—SUCCESSFUL EXERTIONS OF HIS CLERICAL FRIENDS.

THE period of harmony and happiness did not last long, for soon the Earl was driven anew by the King's temper and the political circumstances of England and Europe to an unsettled and adventurous life.

On the 16th of June an heir to the throne, Prince Edward, was born at Westminster. He was baptised by the Legate on the fourth day, Simon assisting at the ceremony as godfather and Lord High Steward. The atmosphere appeared perfectly calm, but when the Queen was about to be solemnly churched in London on the 9th of August, an angry outbreak suddenly occurred between the King and his brother-in-law, without any palpable reason. Henry called Simon an excommunicated person, and forbade him and his wife to be present at the ceremony, because he had once criminally consorted with her. Astounded, and overwhelmed with abuse, the Earl and Countess fled across the river to Southwark, where the town palace of the late Bishop of Winchester had been recently assigned them as a residence. But the King commanded them to be driven thence also, and remained inexorable when they ventured to appear before him in tears. "You seduced my sister before marriage," he cried. "When I made the discovery I gave her to you, to avoid scandal, sorely against my will. Then you went to Rome to remove the impediment to marriage, and with presents and endless promises you bribed the Papal court to grant you the forbidden thing. When this reached the ears of the Archbishop of Canterbury, he discovered the truth to the Pope; but before Romish greed the truth has no chance against redoubled promises. Now that you cannot pay, you have incurred excommunication; and, to fill the measure of your baseness, you have by means of

false testimony made me surety without my knowledge or advice." Rendered speechless by indignation, Simon embarked the same day with his wife and a few companions, and sailed down the Thames to seek refuge for awhile in France.*

For more than a year Henry III. had regarded his sister's marriage with approval, he had publicly given it his royal sanction, and forwarded the journey and petition to Rome as far as he was able. But the catastrophe did not result from his habitual fickleness, neither was it occasioned by the factious proceedings of the aristocracy, for in them Simon had hitherto taken no part. The true cause lay rather in the deadly enmity between Pope and Emperor which had just broken out afresh,† for Frederick II. had been excommunicated on Palm Sunday, the 20th of March, 1239, and a threatening war cloud was gathering over Rome. Though the English King looked up to his imperial brother-in-law with admiration and awe, and had sent him men and money during the previous year,‡ he was now constrained to yield obedience to the ecclesiastical power under whose guardianship he stood. To the strict Papal party at court the Earl, who but the year before had been so cordially received and accredited by the Emperor, appeared an inconvenient member of the royal council. It was necessary to remove him by the basest means, and, with

* Matth.Par. 497.

† Biography in the Quarterly Review, cxix. p. 31.

‡ Matth. Paris, Historia Minor, ii. 408.

lamentable weakness, the King lent his aid, accusing the relative, whom he had hitherto treated with marked affection, of involving himself in a dishonourable money transaction, and forcing the Princess to become his wife by previous seduction. These accusations are not only falsified by the King's whole deportment, but also there is not the slightest indication that the Papal dispensation granted the year before had been now suddenly revoked. A contemptible fiction was seized upon to screen a political necessity. In 1232 a device, as gross and shameless but obviously the same, had helped to ruin the venerable Hubert, Earl of Kent, who was said to have necessitated his marriage with Margaret, daughter of the Scotch King, by previously dishonouring her.*

That a prince should so insult his own sister appears incredible, yet it was in accordance with the feebleness of his character, with the influences that surrounded him, and the spirit of the age. That Eleanor followed her husband spoke loudly for their innocence, and a yet clearer proof was the friendship and testimony of one of the noblest men in England, with whom the pair were already intimately connected.

Robert Grossteste, a native of Suffolk, of humble birth, had risen to the highest dignities of the Church and made himself illustrious as a pious and zealous pastor, as a scholar and as Chancellor of the University of Oxford. He was more than all these, for among the English clergy there was no one who so

* Compare Gesch. v. England, iii. p. 596.

fully understood the constructive and destructive tendencies of the age, no one who watched more faithfully over discipline and doctrine among priests and laity, and no more courageous champion when the rights of the national Church were to be defended against the avarice of the court of Rome and the tyranny of the crown. Mainly through his help the Franciscan friars were rapidly naturalized in this country, founding theological chairs in the universities, and developing their peculiar mission in spite of opposition from the secular clergy and the monasteries. He was convinced that the moral want of the time could be best supplied by means of their zeal for reform; and in alliance with them he strove himself by word and pen and undaunted action to save the souls and confirm the minds of men and to defend the right. He had already been brought into connection with the house of Leicester, when he was archdeacon of that town.* In 1235 he was raised to the bishopric of Lincoln, and thenceforth administered the widest and most populous diocese in the kingdom. It extended over a considerable part of central England,

* Grossetoste's letter to Margarita de Quincy, Comitissa Wintoniæ, is correctly attributed by Luard to the year 1231, Roberti Grosset. Epistolæ, 1861 (Rerr. Brit. med. ævi S.S.) p. xxxv. p. 33, for Robert was Archdeacon of Leicester until 1232; but the Dominus Leicestriensis, against whom the Jews of the town were protected, was not Simon of Montfort, but Ralf of Chester. Upon Grosseteste generally, see Pauli, Tübinger programme of the year 1864, p. 11, *et seq.*

and included Oxford, with the parent house of the Franciscans, and also those lordships which, after many changes, had again been assigned to a member of the house of Montfort.

Simon and his wife, both ardent and sincere in temper, had from the first given heed to the warning and advice of this spiritual guide.* A genuine friendship grew up and resulted in a connection between the Earl and the Franciscan order, as remarkable as that once existing between his illustrious father and the scarcely established Dominicans. This source of consolation did not fail when the husband and wife were abandoned by their own kindred, and driven from the country in shame and distress. In replying to Simon's written account of the heavy trial that had come upon him, the Bishop quoted the apostle's words of comfort: "No chastening for the present seemeth to be joyous, but grievous; nevertheless, afterward it yieldeth the peaceable fruit of righteousness unto them which are exercised thereby." He reminded him of the fruits which would not fail to follow, and pointed out the noble meaning

* The letters of the Bishop are without dates, as was then well-nigh universal. His earnest intercession with Simon, in Christo carissimo domino de Monteforti, for one of these too harshly punished townsmen of Leicester, Luard, p. 141, must belong approximately to the year 1238. It breathes all the earnest conviction of the writer: Quia igitur vestram ingenuitatem brachiis caritatis arctius amplectimur..., ut sitis exemplum clementiæ et mansuetudinis et non magister crudelitatis.

of his family name with an inclination to dwell upon the etymology of words which often appears in his writings. From the deep depression that he now suffered he would climb to the summit of the strong mountains whereon Christ is enthroned.* Lastly, he promised, in accordance with the Earl's request, to think much of him, to intercede for him with the King, and faithfully to comfort his dependants, especially two who had been commended to his peculiar care. In these and all other matters he was ready to do whatever would, as he hoped, tend to his friend's honour and advantage.

Thus the stern and zealous prelate, the best and noblest of his order, not only held the Earl and Countess guiltless, but also used every means in his power to bring about a reconciliation with the King, and probably with the Pope and his representatives likewise. It was chiefly through his intercession that the breach was quickly healed. Simon returned at the beginning of April, 1240, and the King vouchsafed him an honourable reception at court.† The pregnancy of the Countess had caused her to remain behind in France.

Immediately upon his return, Simon commenced preparations for a crusade to Palestine, providing himself with money by the sale of woods and lands. The

* In cacumen montis fortis, hoc est Christi, qui est mons in vertice montium et virtus Dei Patris; Luard, p. 244, a. 1239.

† Calend Aprilis . . . receptus est cum honore a rege et a regalibus. Matth. Paris, 516.

undertaking could scarcely be a consequence of the recent quarrel, for nothing indicates that he intended by this means to propitiate those who censured his marriage. Grosseteste would not urge such a course, nor the Minorites, for they, with an almost methodistic system of self-examination, held that penance consists rather in turning away from all sinful living than in performing outward works. It is more probable that he, like other great barons of the realm, had an earlier crusading vow to fulfil. The Pope some years before had granted a dispensation to him, and the Earls, Richard of Cornwall and William of Salisbury, the more willingly because the expedition then commanded to the east was calculated simply to further Hohenstaufen interests, and was therefore regarded with extreme disfavour at Rome, even before the breach with the Emperor.* Latterly the Curia had been zealously exhorting everywhere to a crusade against Constantinople. But a host of English nobles, headed by the King's brother, were now of another mind; to them Simon joined himself; they started between Ascension and Whitsuntide, journeyed through France, and embarked on the Mediterranean for Acre, where they expected to arrive in the autumn. The army, led by Earl Richard, found the remnant of the little Christian State miserably disorganized in consequence

* Imminet eidem regno periculum, si tuo auxilio et consilio hoc presertim relinquitur tempore destitutum. Gregory IX. to the three earls, V. Kal. Mart. 1238, MS. Add. Mus. Brit. 15,354, p. 399.

of the heavy losses which its army had just suffered at Gaza, on the 13th November, from the superior force of the Egyptian Sultan. Among many nobles of Western Europe, Count Amaury of Montfort, was there taken prisoner by the Mohammedans.* How far Simon took part in his brother's deliverance, and in what manner he otherwise distinguished himself in the Holy Land, is nowhere narrated. It is certain that he was in the English crusading army, and that his wonted spirit and judgment attracted attention in the east, for on the 7th of June, 1241, the barons, knights, and citizens of the kingdom of Jerusalem petitioned Frederick II. to appoint the Earl of Leicester vicegerent of Palestine during the minority of King Conrad.† But Simon returned to England about this time. The Earl of Cornwall had left Palestine on the 3rd of May, and during the summer he landed at Trapani, visited his sister, the empress, in Sicily, and afterwards her husband, on the continent.‡ If Simon, the other brother-in-law, took the same route he would probably be present on this occasion, perhaps himself bearing the petition from

* Chronica Albrici Monachi Trium Fontium in Mon. Germ. Hist. SS. xxiii, 948. Cf. Willcins, History of the Crusades, vi. 604 *et seq.*

† M.S. Cotton. Vespas. F. I., quoted by Hudson Turner, Manners and Household Expenses, etc., p. xix. Quil nos baut a bail mon sire Simon de Montfort Conte de Leicestre jusqe alage de nostre seignor le Roi Conrad.

‡ Matth. Par. 568. The meeting took place at the end of June in Terni or before Rieti. Böhmer, Reg. Imp. 1198–1254, p. 190. Schirrmacher, Kaiser Friedrich der Zweite, iii. 224.

Jerusalem. Their father's name may have made participation in a crusade incumbent upon the Montforts; but the Earl of Leicester's adventurous spirit was no more captivated by the idea of oriental glory than his father had been by the prospect of taking part in the conquest of Constantinople. The elder Simon yielded implicit obedience to the prohibition of the great Pope; the younger, on the other hand, was not in the best repute with the Curia, and repeatedly became involved in the policy of the mighty Hohenstaufen Emperor. Even during this expedition his eyes could not fail to be opened afresh to the growing opposition to the temporal power of the Papacy.

It may be inferred that during these years his personal fate was determined by the alternate predominance of imperial and Papal influence at the Court of Westminster. After his return from the crusade, he retained Henry's favour the more easily because the death of the aged Gregory IX. (August 21st, 1241), was followed by an interregnum of nearly two years, excepting only the three weeks of Celestin IV.'s pontificate, and this vacancy of the Holy See left its trace even on the domestic policy of England. When no longer watched over by a legate, King Henry was compelled to be the more on his guard against the demands of the estates. He now sought to raise a barrier against them by systematically promoting his wife's grasping kindred. The situation was not one in which he could cherish personal animosity against the Earl of Leicester, who, as a

foreigner, was himself likewise obnoxious to many of the nobles. Moreover, his dynastic ambition, zealously encouraged by favourites, plunged him into a foreign war, and it was obviously desirable to be on friendly terms with two of his brothers-in-law, Frederick II. and Earl Simon.

The King of France, Louis IX., had gradually extended his power over the provinces south of the Loire, and at last installed his brother Alphonso as Count of Poitou. This measure was felt bitterly as a challenge, and as a disgraceful insult to the crusading Earl of Cornwall, who still bore at least the title of a Count of Poitou; moreover, after some hesitation, the neighbouring Count de la Marche, step-father of the royal brothers, came forward as a partisan of the Plantagenet claims, and by his intrigues and the suggestion of assistance from Toulouse and Aragon, he inflamed the passion for military glory at Westminster. War was at once determined upon; the unsuccessful expedition to Britanny, in 1230, and the present truce with France seemed wholly forgotten. Towards the end of January, 1242, the king summoned all the magnates of the realm to London to discuss urgent business of State, but, as he would grant no concessions, they drew up an energetic protest and refused his demand for a subsidy.* Even

* The writ omnibus episcopis, abatibus, comitibus et baronibus in Reports from the Lords' Committee touching the dignity of a Peer, iii. p. 7, a die Sti. Hilarii in 15 dies ad tractandum nobiscum . . . de arduis negotiis nostris, statum nostrum et totius regni

then Henry adhered obstinately to his purpose, and succeeded at least in extorting money from some individual barons, abbots, and priors, and compelling a considerable number of the former to accompany him in person.

In May he embarked on his ill-considered voyage to the Garonne, accompanied by the Queen, his brother, seven earls, and three hundred knights. He first encamped northward in Saintes, summoned the warlike nobility of his domains in Southern France to appear under arms, and even sent for troops from Ireland and Wales. On the 22nd of July the English were unable to prevent the passage of the Charente, at Taillebourg, by Louis' army, and they were defeated in battle because the Poitevins, who had invited them to cross the Channel, went over to the enemy with Hugh de la Marche at their head. Much valuable booty fell into the hands of the French. The English army would have been annihilated and the King taken prisoner if the Earls of Leicester, Salisbury, and Norfolk had not valiantly covered the retreat to the Garonne.* The Court afterwards remained for a

nostri specialiter tangentibus. Matth. Par. 579, die Martis prox. ante Purif. B. Virginis (January 28). Compare Geschichte von England, iii. 647 and Stubbs' Constit. History, ii. 58–60.

* Henry III.'s report to the Emperor Frederick, Rymer, i. 206, Sept. 19; but the year 1232 is an error. The date appears from the Rot. Vascon. 26 Henry III. membr. 5, of which, unfortunately, only a few sheets have been printed, but never published. Matth. Par. 591–596.

considerable time at Bordeaux, and the good understanding between the King and Simon was confirmed, in spite of the hostile influences which the Count of Toulouse and the King of Aragon constantly sought to exercise against the house of Montfort. The King repeatedly made provision for his entertainment, and as counsellor he ranked only second to Earl Richard.* After Richard and most of the other nobles had returned to England, where the estates again obstinately refused to defray the expenses of the war, Simon maintained his confidential position in a country which had once lain within the circle of his father's conquests, and where the self-governing fiefs had since those days been relieved from all the restraints of a centralizing government. He made use of the time to observe keenly the party tactics of the nobles, the position of the towns, the relation of the English crown to these untrustworthy vassals, and the constantly changing temper of the people. Henry embarked for England in September, 1243, after concluding a truce for five years with France. The whole of Poitou was surrendered; but, for the present, at least, he secured the Duchy of Guienne. Simon probably followed the king home, and the custody of Kenilworth Castle was soon afterwards committed to him, doubtless as a sign of royal favour. The Earl and

* Quingentas marcas de dono nostro, July 2; quinquaginta marcas de annuo feodo, Sept. 8. Evidence at the investiture of one of Richard's vassals, Aug. 3, Rot. Vascon. 26 Henry III. membr. 2, 3, 11.

Countess had already resided there, and a few years later it was granted to the latter for life.*

For several years Simon remained a silent spectator of the growing evils of the King's misgovernment. The prelates, earls, and barons summoned to Westminster in 1244, made another fruitless effort to promote worthier appointments to the high offices of State, and a more frugal administration of the exchequer. At the time when Pope Innocent IV. undertook the life and death struggle with the Hohenstaufen Emperor, and the Church, as well as the princes and peoples of the west, were stunned by the world-shaking transactions at Lyons, Henry III. was again more willingly than ever under the direction of Rome; but, in proportion as he yielded to it in his weakness, the quarrel with his own vassals acquired greater intensity. The clergy were indignant at the boundless demands of the Papal court. Extremely ingenious in the invention of provisions, taxes, and perquisites, and in conferring foreign benefices upon insatiable Italians, it had just discovered in England an inexhaustible source of wealth and a means of meeting the enormous cost of the great war. The nobles saw with growing anger that lay rapacity kept pace with this clerical system. The queen's uncle, Archbishop Boniface, was joined, as occasion served, by his brothers, Amadeus, the reigning Count of Savoy, and Thomas. A fourth, Peter, established him-

* Rot. Lit. Pat. 28 Henry III. membr. 8, Febr. 13, 1244; 32 Henry III. membr. 11, Jan. 9, 1248.

self firmly in England, and conducted negotiations with the courts of Lyons and Paris in the interest of the dynasty, without regard to that of the nation. Unlike the earlier Plantagenets, Henry was not without sentiments of piety; and when his mother Isabella died, in 1246, he interested himself zealously on behalf of his numerous step-brothers and sisters. Two of them were altogether provided for in England, to the constant vexation of the native nobility. The elder, William of Valence, an arrogant and voluptuous knight of the Provençal type, caused the earldom of Pembroke to be assigned him; for Aimar, the second, no benefice was accounted rich enough until he was appointed to the noble bishopric of Winchester, even before he had reached the canonical age.

Amid such oppressions and spoliations the opposition which had long existed naturally grew stronger. The Church repeatedly made complaint to the Pope himself through the mouth of procurators; and the courageous Bishop of Lincoln, who at home never forgot his office and vocation before high or low, went twice to Lyons that he might appeal personally to the conscience of the Holy Father. Grosseteste always preserved an independence which, while it was ecclesiastically blameless, by its national character recalled the memory of Stephen Langton. He also saw in free discussion and the decisions of the great council of the realm the only legitimate means of inducing the sovereign to consider his position. And at this time the importance of the almost periodical assemblies,

already called parliaments,* steadily increased. The spiritual and temporal lords protested more and more fiercely from year to year against the shameless avarice of the Papal court, and the long-standing national grievances. For wasteful expenditure they desired to substitute carefully regulated finances, under the superintendence of the chief tax-payers; instead of the crowds of foreign favourites and low-born officials, they desired to see great State functionaries appointed by agreement between the King and his tenants-in chief, lay and clerical.

For five years the Earl of Leicester watched these profitless proceedings without joining any party; he was untroubled in his personal relations, and happy in his family. His wife had already borne him three sons; the two elder were seen accompanying their parents to one or another famous abbey at the time of the Easter solemnities, when he shared in the worship of the monks, and thanked them in princely wise for their princely hospitality.† United in closest friend-

* First officially Rot. Lit. Claus. 28 Henry III. membr. 13, 1244. Parliamentum Runemede quod fuit inter Dom. Johannem Regem patrem nostrum et Barones suos Angliæ. Cf. Ann. de Dunstaplia, 164, a. 1244. Further Matth. Par. 696, a. 1246 convenit ad parliamentum generalissimum. Cf. Geschichte von England, iv. 668; Gneist, Geschichte und heutige Gestalt der Aemter und des Verwaltungsrechts in England, 2nd edition, 1866, i. 293, and for the parliaments from 1244 to 1248, Stubbs' Const. Hist. ii. 61–66.

† On the visit to Waverley, in Sussex, on Palm Sunday, 1245, Annales Waverl. Luard, Annales Monastici (Rer. Brit. med. ævi

ship to the Bishop of Lincoln and the Bishop's trusty friend, Adam of Marsh, the learned Franciscan teacher at Oxford, he confided to them* all his anxieties concerning the widening schism between the King and the estates, and the position of the Church, threatened as it was by the secularising tendencies of the age. Already Adam acquired the position of father-confessor at the Earl's court, in small things as in great. A zealous correspondent, he was the medium of epistolary intercourse between the friends. When the Bishop's cook died, he begged Eleanor to choose a fit successor from among her domestics.† But soon the pastor was charged with graver commissions.

In 1248 the King determined upon sending the Earl of Leicester to Gascony, but not with the object of ridding himself of him, for at this time they were on the most friendly terms with one another. So lately as the preceding October, Simon had returned from a mission to the French court, the object of which was to prolong and confirm the truce concluded five years

SS.) ii. 336. In the year 1263 Simon was admitted by the prior of Dunstaple into the brotherhood. Ann. de Dunst. Luard, Ann. Monast. iii. 226.

* Ipsius consilio tractabat ardua, tentabat dubia, finivit inchoata, ea maxime, per quæ meritum sibi succrescere æstimabat. Will. Rishanger, continuator of Matth. Paris, ed. Riley, Rer. Brit. med. ævi SS. 36.

† Ipsa autem non tantum de beneplacito vestro non est molestata, etc. Adam de Marisco to Bishop Robert, Brewer, Monumenta Franciscana, p. 170. Rerr. Brit. med. ævi SS. 1858. Adam's letters are collected in a codex, but all are undated.

earlier. He had been present at the February parliament, and had heard the tumultuous demands that the offices of justiciary, chancellor, and treasurer should be conferred upon such men as the estates could approve, but he had taken no part in the violent opposition. Inspired, like some others, by a flickering outburst of enthusiasm, he had just taken the cross, with his wife and their whole family,* but this could not prevent his compliance when the King called upon him to accept an eminently arduous and responsible post for the long term of six years,† conferring upon him the high rank of viceroy (locum tenens), instead of the ordinary title of seneschal. After he had completed the necessary preparations, in other words, had borrowed money from the London citizens, he hastened in October to Bordeaux, travelling through France, where the government appeared to give but a hesitating assent to the proposals of peace from England.

The position of affairs in the duchy was more perilous than before. The ever-restless native nobility defied the authority of the Plantagenets under the leadership of the powerful Vicomte Gaston de Béarn, whose artful mother had obtained considerable grants from Henry III. in 1242. From the south, King Theobald of Navarre pressed upon the disordered pro-

* Matth. Paris, 739, 742.

† Rot. Lit. Pat. 32 Henr. III., membr. 2, Sept. 7, 1248. Matth. Par. 838, Confecit ei chartam suam de custodia per sex annos continuanda.

vince, whilst, even in spite of the peace, the progress of the French monarchy made itself constantly felt on the north. Also, the internal confusion in England produced an effect even here; for the government and seneschals were incessantly changed, according to the King's caprice, and greatly to the injury of all continuity in political and financial affairs. Already a hostile faction in the towns was considering the expediency of transferring the source of their wealth, the exportation of wine, from England to Spain. Simon's actual task was to avert the immediate loss of Aquitaine, the province which Eleanor of Poitou had brought to the English crown a century before. He devoted himself to it with such promptitude and energy that, after Gaston had been brought to submission, the unruly knights of the duchy became mindful of their fealty, and the King of Navarre acquiesced in the decision of an umpire upon certain boundary disputes.* The Earl caused universal astonishment by arriving at court in December, with proofs of the complete pacification of the province, and received the thanks of the sovereign in due form.†

In February, 1249, he returned to the south, and whilst at Paris, where he had important commissions to discharge, he addressed a remarkable letter to the King,

* Rymer, i. 269, Feb. 6, 1249.

† Grates vobis referimus copiosas de sollicitudine nec non et laboribus immensis, negotiis nostris terræ nostræ Wasconiæ vigilanter a virilitate vestra multotiens impensis. Rymer i. 271. Cf. Matth. Paris, 757, 767.

the only one that is preserved from his pen. It describes the condition of Gascony, and gives a first glimpse of the difficulties of his position between the rebels of southern France and the busy intrigues of the English court. He* states, that during the recent disorders many Gascon noblemen had forfeited their property; it could never be restored to them by the authorised tribunals of the country, and, according to the latest tidings from Bordeaux, they and their adherents had sworn to regain it by force. A revolt might be confidently expected towards Whitsuntide, and Simon would be exposed to great personal danger; for, as representative of the rights of the crown and of the common people, he was hated by the nobility of the country.† Before he proceeded thither, the King must therefore furnish him with fresh instructions, and, above all, with indispensable military supplies, for not a penny from the revenues of the country was at his disposal; they were absorbed by the imposts of the French King. Moreover, an ordinary army and ordinary generalship would avail little against a people who, like robbers or free-lancers, fell upon the enemy, and destroyed his property in numerous troops of twenty, thirty, or forty men. For all these reasons, Simon urgently desired to have another interview with

* Donnée à Paris la veille de Pasques (April 3). Although the signature is lacking, no one but Simon can have written the letter. Shirley, Royal Letters, ii. 52.

† Por ce que je sui si mauvoleu de les graunz genz de la terre, por ce que je sostien voz dreitures et de la poure genz contre aus.

the King before proceeding southward; all the more because Henry would hear various dark accusations, implying that his brother-in-law was himself the instigator of the apprehended revolt. The most necessary provisions had been already made for the royal castles and garrisons on the Garonne, and the Earl's negotiations with the Paris parliament took a favourable course, he therefore crossed the Channel once more, chiefly for the purpose of counteracting the effect which the expected machinations of his enemies might produce upon the fickle-tempered King.

After having thus, as he believed, secured his ground at home, he defeated Gaston and his accomplices a second time during the summer, and sent them prisoners to London. He followed up this success by planting strong posts all over the country, and the King appeared to signify his approval by granting him the Irish revenues and the proceeds of a great sale from the royal wine stores, to enable him to complete the security of Gascony.* But by the very messenger who brought these welcome communications, the King announced to his viceroy that he had set free the Vicomte de Béarn and the Knight Arnauld de Hasta, and permitted them to return home, because they had penitently submitted, and sworn eternal loyalty.† Either from wilful folly, or malevolence instigated by others, Henry himself broke in upon his deputy's vigorous work. In 1250, but not till then, Simon took

* Patents of 28th Nov. and 28th Dec. Shirley, ii. 55, 56.

† Shirley, ii. 56, 57, Dec. 27, 28. Cf. Matth. Paris, 775.

Egremont, Gaston's strongest castle, subdued another dangerous rebel, the Vicomte de Fronzac, and extorted due respect from the haughty guilds of Bordeaux, who had likewise assumed a hostile attitude towards him. On the other hand, there was no lack of testimony to his integrity; the citizens of Castel d'Uza represented to the King that they had first obtained a hearing from the Earl of Leicester in an old suit against the Lord of Tartas, to which former English governors had always turned a deaf ear.*

Nevertheless, the Earl was overwhelmed with difficulties. Guienne was widely separated from its Duke by the channel and the entire kingdom of France, and it was still well-nigh impossible to retain it in face of the spirit of unbridled independence. The supplies furnished by the crown were instantly consumed, like a drop of water upon burning stone, and Simon had long been unable to maintain his position without drawing upon his own private resources. He caused his English forests to be felled, and devoted the proceeds and the revenues of the fief of Unfranville, which he held in wardship, to the payment of his troops, and the support of the fortresses he had been obliged to erect. It is possible that he aggravated the difficulty of his undertaking by excessive severity, either de-

* Hanc veritatem et querelam ostendimus multis ballivorum vestrorum, qui nullum ibidem consilium posuerunt, donec per Dei gratiam Dominus Simon de Monte Forti, Comes Leicestriæ, venit in Vasconiam cui hanc veritatem ostendimus et querelam. Shirley, ii. 58.

signedly or because the faithlessness of the race he was trying to subdue filled him with indignation. But the Prince whose sovereign rights he had undertaken to defend did most to ruin his work. For after Gaston and his comrades were set free, they artfully contrived to keep the way open to Henry's suspicious ear, whilst they renewed the rebellion at home, as if it were directed against the viceroy alone. To defend his cause against them, and to induce the King's government to grant more continuous support, the Earl of Leicester had made another visit to England in the winter. He appeared before the King at the feast of Epiphany, 1251, reminded him of his own experiences among the southern French in 1242, and pressed for supplies of men and money. The characteristic reply was, "By God's Head, thou speakest truth, sir Earl; and since thou servest me so doughtily, I will not deny thee sufficient help. But grave complaints have reached me that thou hast thrown into prison, or even put to death, people who came to thee peacefully, or whom thou hadst thyself summoned." Simon replied that the notorious treachery of his accusers must prove their falsehoods, and the King complied with his wishes so far as to renew his authority, and grant him 3000 marks. The Earl added moneys of his own, and levied several hundred Brabant soldiers.*

It was during this brief sojourn that Simon made some remarkable regulations for the conduct of his household affairs, and again rejoiced in a free

* Matth. Paris, 779.

interchange of thought with his trusted friends. The Bishops of Lincoln and Worcester, the two Franciscans Adam of Marsh, and Gregory of Bosell, were his frequent guests.* By word and by pen they discussed the "signs of the times," and such stupendous events as the death of the great Hohenstaufen Emperor, Louis IX.'s disaster at Mansura, the desperate condition of the Holy Land, and the growing grievances in Church and State, as well as the Earl's personal trials.† The devoted Adam probably found in the duties of his Oxford lectureship an excuse for tarrying long at Kenilworth; he learnt to his great joy, upon trustworthy authority, that the King and Queen, Earl Richard, and other distinguished nobles and prelates again showed signs of a more amicable disposition towards Simon.‡ The same zealous friend and pastor was indefatigable as a medium of communication, and found Simon's heart always open to the religious and world-regenerating ideas of this reforming band. Eleanor wished this time to accompany her husband to Gascony, and Adam

* The learned John of Basingstoke, who had studied in Athens and understood Greek, was also one of this group. Simon had to lament his death in 1252, gemitus et lachrymas multiplicavit comitis memorati. Matth. Paris, 835.

† It is difficult to arrange Adam's many letters, but I assign to this date, Nos. 144 and 145 in Brewer's Monumenta Franciscana, p. 276 *et seq.*, as they can only have been addressed to Simon whilst he was in England.

‡ Longe sereniorem solito, sit benedictus Deus pacis et dilectionis, conceperunt benevolentiam. To Simon, No. 146.

aided them in placing their young sons under Robert Grosseteste's care and training.* There is no subsequent letter in which he does not report to the parents of the children and their reverend guardian.

Simon embarked early in spring, better equipped than before, and a third time succeeded in quelling the insurrection. Adam continued to send him intelligence of passing events, and the disposition of the court, mingled with judicious advice upon his own conduct. When Simon gave himself up for lost, driven, as he sometimes was to despair by the untrustworthiness of the King, who seemed to respect neither the ties of blood nor his own plighted word, the pious Franciscan not only pointed him to the consolatory books of the Old Testament, Job and Proverbs, but would also narrate an encouraging conversation with the King, whose confidence in the Earl's integrity might be preserved unshaken, if those who surrounded him did not prevent it.† The same messenger, John de la Haye, an often-mentioned servant of Simon's, bore also a letter from Adam to the Countess, reminding her that amid the cares, conflicts, and expenditure in which her husband had

* Dominus Comes Leycestriæ, si contingat eum maturius redire in Vasconiam deliberatione cum domina comitissa et mecum super hoc habita, proponit, etc. To Grosseteste, No. 25; compare Rishanger, ed. Riley, 36; eique suos parvulos tradidit nutriendos.

† Si in hac parte ipsum favorabiliter sua fulcirent latera.

involved himself for the sake of preserving her brother's possessions, it was for her to use her influence with both to promote charity and calmly considered measures.* The wish of the husband and wife to have with them a father-confessor from the brotherhood which they regarded with so much affection, was also a subject of discussion, but it was difficult to carry out the project. Bosell had already prepared to undertake the journey, when he was unfortunately prevented by work for the Archbishop of Canterbury. Then again, there were evil tidings in the form of a long letter of consolation, with digressions upon the troublous condition of Christendom and of England in particular. It told of increased bitterness on the part of the King, evidently consequent upon certain expressions of the Earl's, who could with difficulty repress his proud and passionate words, and was therefore exhorted to greater reticence, "because the fool's heart is in his mouth, but the wise man's mouth is in his heart."† Another journey to England was now deemed necessary, and the faithful adviser constantly insisted, especially to the Countess, upon the need for watchfulness and

* I associate Nos. 140 and 161, because the same messenger is named in both, but Brewer, p. 297, would refer the latter letter to 1252.

† The long letter, No. 143, written after the 18th Oct. (1251), when Adam relates that he had excited the King's anger by a sermon.

discretion.* After Simon had taken all such precautions as were possible for the protection of his fortresses, he and his wife went in November through France to London. The King would scarcely have gone to welcome them if his step-brother, Guy of Lusignan, had not been one of the company.†

Meanwhile the Gascons were again in movement, not only with arms in their hands, but also with increasingly bitter complaints against the man who could, if it were by any means possible, enforce among them the restraints essential to public order. They artfully described him as the worst traitor to the crown, because he enriched himself by extorting their property from nobles and citizens with unheard-of violence, whilst the King, incessantly urged by the Pope to undertake a crusade, was now helplessly embarrassed.‡ When Simon complained that men long convicted of malice and knavery received more credence than he, the servant of the crown, the King replied drily that, since he was conscious of innocence, he could but desire an impartial investigation. He had come to seek further supplies, and

* De profectione vestra erga regnum Angliæ cavendum est omnino ne fiat sine magna deliberatione et provisione discreta. Adam to Eleanor, No. 160.

† Matth. Paris, 810.

‡ Letters of complaint from the corporation of La Réole and the Vicomte Raymond de Soule against Simon's administration, and especially against his seneschal William Pigorel at the earliest, Feb. 1252. Shirley, ii. 72 *et seq.*, compared with Matth. Paris, 814.

especially compensation for the very considerable advances he had himself made.

On the 4th of January, 1252, eleven barons of high rank, but some of them ill-disposed, were actually appointed arbitrators to give judgment upon the amount of his pecuniary claims.* But instead of dealing fairly with him in this affair, Henry at the same time nominated two commissioners, who were sent to Gascony in order to institute formal proceedings against him. The two emissaries were the Master of the Templars in England, Rocelin de Fos, a Gascon by birth, and Henry of Wingham, who had once himself been seneschal at Bordeaux and was now one of the royal secretaries.† But the Englishman and the Frenchman drew opposite conclusions from their investigations, and though they were joined by William of Valance, the King's malicious half-brother and the head of the foreign party, the only result was a written accusation drawn up by the knights and some towns and fortified places of Guienne. It was to be delivered at Westminster by a company of distinguished *delegates*, with Archbishop Girald of Bordeaux, a man of very doubtful loyalty, at their head. The commissioners further put a stop to the

* Patent, Shirley, ii. 68. Likewise the Protectio quamdiu fuerit in servicio regis in Vasconia. Rot. Lit. Pat. 36 Henry III. membr. 11, Febr. 22nd.

† Letter to Queen Blanche of France, an infringement of the truce being also discussed, and authorization of January 6th. Shirley, ii. 69, 70.

struggle between Gaston and Simon's troops around the fortress of La Réole, and obtained a royal command that Simon, who had hastily followed them in order to prevent one-sided proceedings, should appear in London at a prescribed date after Easter.* It might be difficult for his accusers to prove individual cases in which the harshness and tyranny alleged against him had been exercised for his own advantage, and not in the King's service, yet the current of adverse opinion was already so strong that these accusers easily found a place among his judges. They arrived in England at the same time as he, and would have attacked him at once had it not been necessary to await the report of a second commission despatched by the King to the Garonne for the purpose of collecting further evidence. It was composed, like the first, of one Englishman and one Gascon, Nicolas de Molis, who had likewise been seneschal in 1244, and Drogo de Valentin. These men brought back much testimony evidently favourable to the accused; and though Henry desired his ruin and had just liberated one of his bitterest enemies, the unruly Arnaut of Egremont, he was compelled to leave the course of justice free. In the

* Report of Fos and Wingham, erroneously referred to the year 1253 by Champollion Figeac, Lettres de Rois, etc., i. 116. Shirley, ii. 76, gives the correct date, March 6th, 1252. Petition of the Gascons, Petunt quod dominus comes Leycestriæ presens sit in Anglia, etc. Letter No. 1604 in the Public Record Office. Henry's writ to Simon, March 23rd, a die Paschæ in unum mensem. Shirley, ii. 81; cf. Matth. Paris, 828, 832.

week between Ascension and Whitsuntide the proceedings commenced, and the Earl of Leicester stood opposed to his angry enemies before the assembled Council of the realm.*

Simon read no friendly greeting in the King's face, but only suppressed animosity. The Gascons, on the other hand, were encouraged by the favour shown them, and began with loud and violent complaints, supporting them by references to the previous administrations, which they described as rich in blessings to the country. Simon in reply denied the credibility of men who revolted against every kind of authority. The Earl of Cornwall had some years earlier experienced the faithlessness of the same race, as well as the inconstancy of the King, who had left him also unsupported upon similar grounds, and to him and to other previous governors, Simon appealed. The defence produced a most favourable impression, not only upon sure friends like Bishop Walter of Worcester, but also upon the most influential members of the Council, as the Earls of Cornwall and Gloucester, so that they showed themselves disposed to defend the honour and the estates of their peer, whose justice and disinterestedness were as unimpeachable as his heroism. But they assisted him rather with good will than with decisive words and deeds, and Simon

* Matth. Paris, 836 : Circa Pentecosten, paucis ante diebus; compare Ann. de Dunstaplia, 184. According to Adam's account to Grosseteste: Circa festum ascensionis Domini (May 9th). Brewer, Monum. Francisc. 123.

was left practically alone in the task of proving by documents and witnesses the blamelessness of his whole course of action, and showing that he had provoked these accusations by seeking to bring to obedience a turbulent people who waged war against all law and justice.* His enemies became more and more embarrassed and entangled amid their own lies during the many days occupied by single debates, and, to the satisfaction of the prelates and barons, a decision in vindication of slandered innocence was impending when the King, who relapsed into personal abuse at every opportunity, provoked his brother-in-law to an unexampled quarrel. When reminded by the Earl of the compensations which were due, and his own most sacred promises, Henry said: "I am in nowise bound to observe promises to a knave and traitor such as thou, because thou hast withdrawn thyself from all contracts." Simon had hitherto controlled his impetuous temper with admirable moderation,† but now he let loose his indignation, called the King a liar, and said the hour when he spoke such words would have been an evil one (mala hora) had not his diadem protected him. "Can one ever believe thee as a Chris-

* Nec Deum timentes, nec homihem reverentes, sine rege sine lege agentes, foedera violantes, affectionem non curantes . . . idem comes studiis quibus valuit coercere curabat." Adam de Marisco, l.c.

† Per omnia moderantiam mansuetudinis cum magnanimitatis maturitate et ad suum Dominum et ad adversarios suos observans. Ibid.

tian? Hast thou ever confessed thy sins? Or if thou hast, was it with bruised and penitent heart?" To which Henry replied with burning anger: "No act of my life do I repent so sorely as that I permitted thee to come to England to win lands and honours and grow fat and insolent." He would have gladly caused him to be seized and thrown into the Tower, but he feared the assembled peers. They were able by their intervention to moderate the indecorous character of the proceedings, but they did not venture upon a vigorous encounter with the monarch's habitual autocratic caprice.* The King was base and revengeful, but powerless to command; Simon's energy was proudly impatient of resistance, and collision between them produced a violent explosion; the scene left an impression that seeds of mutual distrust sown years before had borne their fruit, and that peace and reconciliation could never be established by ordinary means between men whose natures were so antagonistic, especially because their outward position with regard to one another was incongruous.

The King's caprice even prevented any decisive result from the present contention. Simon prayed for

* Compare the scene in Matth. Paris, 857, with Adam, p. 127: Post noctis unius intervallum reditur ruptis loris æquitatis et justitiæ contra comitem Leycestriæ ad minarum sævitias: tumultuante regis iracundia. The Franciscan reports to Grosseteste the information which he received directly from the Bishop of Worcester; but the monk of St. Albans also frequently had the testimony of eye-witnesses in writing the last years of his great chronicle.

fresh equipment and the most complete authority to terminate the war in Gascony, with the condition that he and his followers should receive compensation for their losses. On the other hand, he offered to resign the post which had been conferred upon him for six years if, under the guarantee of the great Council of the realm, the same security were granted to him and his against all loss, especially against prejudice to their honour. The King would hear nothing of either proposition, and the Council preserved a cowardly silence, whilst, by his own absolute authority, he issued a series of proclamations commanding both the contending parties to keep the peace until he or his eldest son should appear in Gascony at Candlemas. As conservators of the truce, Rocelin de Fos and Nicolas de Molis were commissioned to hold the enemies apart during the interval; the town of Bordeaux was charged to keep the peace, the wardens of the corporation being elected in equal numbers from the two parties.* In the judgment of well-disposed patriots † these were senseless measures, well calculated to ruin the Earl, but no less likely to issue in the loss of the province, and to cost Henry the personal esteem of his subjects.

Simon submitted to the King's decision in spite of its imprudence, and after the course that matters had

* Writs of the 6th and 16th June; Shirley, ii. 89, 90, 391.

† De aliis pluribus ineptiis, nisi divinitas subveniat, plurimum nocituris. Adam, l.c.

taken, Henry, on his part, could not prevent the Earl's departure for Bordeaux on the 13th of June,* for the purpose of solving the difficulty on his own responsibility. His accusers, who had sworn his death, had immediately hastened away likewise, enraged by the bearing of the English nobility and Council. It was rumoured that they were encouraged by certain words in which the King expressed a wish that this lover and instigator of war might be satiated and recompensed as his Father had been before in the same southern region.† It was not accidentally that at the same time the governorship of Gascony was conferred by royal patent upon Prince Edward, though still in his nonage, whilst the hostile factions were enjoined to keep the peace until the King arrived with his son.‡ The secret expectation that the hated governor would work his own ruin § was wholly disappointed. Simon resumed the war with his wonted courage and good fortune, evidently purposing to obtain for himself the justice that was denied him, and finding no lack of assistance among his French fellow-countrymen. His military skill proved superior to all the craft of his

* Feria quinta post festum beati Barnabæ. Adam, l.c.

† Matth. Paris, 844.

‡ Rot. Lit. Pat. 36 Henr. III., membr. 6, June 9, and Rymer, i. 282, June 13, the day on which Simon embarked for Boulogne.

§ Evidenced by the command to investigate Simon's expenditure for the castle of Cusac and to restore Blancfort to its rebel owner; August 10. Shirley, ii. 91, 92.

enemies; he not only succeeded in rescuing his hard-pressed adherents, but also captured five of the rebel ringleaders and sent them triumphantly to the King.* It was not until he had vindicated his honour, and redeemed at least a part of his pledge, that he left the country and sojourned for a while in France. He was there in December when Queen Blanche died, and, her son Louis being still absent in the East, the princes and peers discussed the appointment of a new regency. In their perplexity they would have brought Simon forward, but fate had already attached him too firmly to his second home, although it repulsed him so often. Twice he unhesitatingly declined the most honourable proposals.†

He might then watch with triumph, if he were so disposed, how his worst predictions were fulfilled during the next year; how the King of Castile threatened the English supremacy, and Béarn immediately threw himself into his arms, with other Gascon nobles who had hitherto artfully preserved a semblance of loyalty to the crown; how Henry III., unmindful of his repeated crusading vows, involved himself in fresh money difficulties with the clergy and the baronage, and set out upon an expedition altogether profitless and fool-hardy. In October, 1253, Simon had the most perfect satisfaction possible, for, when the King found himself utterly helpless among the Gascons, he at last sent for his brother-in-law to come under a safe conduct, and bade him bring whatever horsemen and

* Matth. Paris, 852, 853. † Matth. Paris, 865.

bowmen his military reputation would enable him to gather together.* It speaks much for the Earl's magnanimity that, in the critical position of the two kingdoms, he lived a whole year as an exile in France without making use of his connections there to revenge the injuries he had received from his brother-in-law, the English King. Though a man of the sword, he was the friend of the most zealous preachers of peace in all Christendom. We still have their testimony that amid his heaviest trials, they did not cease to care for his spiritual well-being, and to check the impetuous ardour that threatened to ruin him and the good cause represented by him.

So early as the end of 1251, Adam of Marsh had written to Grosseteste that now, if ever, the Earl and Countess stood in need of his sagacious counsel. Both had long seen and dreaded the approaching catastrophe,† and both sought to influence Simon by word and by pen when he was conducting his own affairs in England.‡ When he returned to Gascony for the last time in the summer of 1252, Adam not only exhorted him to persevere in his noble zeal for the faith, but also informed him affectionately of the approaching delivery of his wife, whom he had left pregnant at

* Champollion Figeac, Lettres de Rois etc., i. 90; Oct. 4, 1253. Compare Geschichte von England, iii. p. 687, *et seq.*

† Epp. Ad. de Marisco, Nos. 22, 34.

‡ No. 135: Studeat, oro, vestræ discretionis diligentia cum effectu, Divinæ voluntati, secundum quod literæ præferunt incunctanter, adhibere consensum.

Kenilworth,* and of the health of his sons and the venerable Bishop of Lincoln. Grosseteste, Walter of Worcester, and Adam himself were working zealously to free the Earl from his difficulties, even looking to the Pope for help.† By their advice Simon had addressed himself to Rome, and Innocent IV. yielded to this intercession when he ordered an investigation against Archbishop Girald of Bordeaux, the bitterest and falsest of his enemies.‡ On his deathbed at Bugden in October, 1253, Grosseteste § bequeathed as his last greeting to Simon an injunction not to cherish anger against his King and liege lord on account of his violent words, but magnanimously to assist him in his perplexity. Thus these men again helped to save the royal family from bitter strife, and the realm from the immediate loss of a valuable province. They encouraged Simon once more to draw his sword generously in the King's service, and they obtained from the Pope bulls of excommunication || against the muni-

* No. 136; compare No. 158: Letter of congratulation to Eleanor on the birth of a daughter, the youngest child as Mrs. Green points out, The Princesses of England, ii. 104.

† Locutus fui de negotio subventionis vobis faciendæ per indulgentiam Apostolicam; Ep. 141. Also No. 161 may be placed here, a letter to the Countess which treats of magnificis eventibus domino comiti et vobis per Dei clementiam concessis.

‡ Breve to the Bishop of Clermont: Inn. IV., Ep. x. 642, (MS. Mus. Brit. Add. 15, 357); iii. Non. Apr. 1253.

§ Cui comes tanquam patri extitit familiarissimus; Matth. Paris, 879; cf. 876.

|| Rymer, i. 294, Dec. 21, 1253. Champollion Figeac, Lettres de Rois, etc. i. 99.

cipal officers of La Réole and the Vicomtes of Béarn, Chatillon, and Fronzac, which largely contributed to the final subjugation of the country.

A sort of amicable settlement of money claims was now arranged between the two brothers-in-law. In several considerable sums the King repaid what Simon had spent in his service, and compensated him at least in part for the remaining years of his government.* But this could not be called a reconciliation, and the Earl had already retired once more to France in the spring of 1254, when Henry, then at Bordeaux, concluded the important betrothal of his heir to Eleanor of Castile.

* Payment of 7000 marks, according to Rot. Liberate, 38 Henr. III. membr. 8, 4. Also Rot. Lit. Pat. 37 Henr. III. membr. 11. Cf. Champollion Figeac, Lettres, i. 94, 95.

CHAPTER III.

THE EARL THROWS HIMSELF INTO THE POLITICAL OPPOSITION.

HENRY III. IN BORDEAUX AND PARIS; THE SICILIAN CROWN —THE KING AND EARL UPON TOLERABLY FRIENDLY TERMS—THE DISTRESSED CONDITION OF ENGLAND—RICHARD OF CORNWALL, KING OF THE ROMANS—VICTORY OF THE ESTATES AT WESTMINSTER, 1258—PARLIAMENT AT OXFORD IN JUNE—THE PROVISIONS OF OXFORD—EXPULSION OF THE ALIENS—THE GOVERNMENT OF THE BARONS—THE FIRST OPPOSITION ON THE PART OF THE KNIGHTHOOD—PEACE WITH FRANCE NEGOTIATED BY SIMON, 1259—THE KING AND EARL IN ENGLAND AND FRANCE, 1260—RESTORATION OF THE MONARCHY, 1261—KING AND EARL APPEAL TO THE MEDIATION OF FRANCE, 1262—HENRY HIMSELF AGAIN AT THE FRENCH COURT—LOUIS IX. DECLINES THE MEDIATION, 1263.

For a time the Earl of Leicester now almost disappeared from public life. His friendly relations with the King were not re-established, neither did he join the opposition party among the English Barons. He lived in retirement with his family in

their French home, without professing permanent allegiance and citizenship, or taking any part in the remarkable conferences and treaties, the political significance of which he could not fail to recognise.

Just at that time Henry's dynastic ambition led to extensive continental alliances, perilous to the last degree to English independence. Whilst the King was still at Bordeaux, the Spanish marriage of the heir was followed by an eager acquiescence in the craftiest designs of the court of Rome. Pope Innocent IV. aimed at uprooting the last of the Hohenstaufen lineage from southern Italy, by calling a foreign prince to the throne of Naples and Sicily; and, after Richard, Earl of Cornwall, the possessor of the rich tin and copper mines in that county, had declined his proposals, he had selected Henry's younger son Edmund, a boy of nine. The father's delight was boundless, although the sums which his kingdom had hitherto contributed towards the furtherance of the Pope's temporal policy, must inevitably be doubled in consequence. In the form of crusading grants, foreign exactions pressed more and more heavily upon England and her dependencies. Alexander IV. not only adhered to his predecessor's design, but some years later, with Henry's zealous co-operation,* he succeeded in enticing Earl Richard to accept the elective crown of Germany in the

* The subject is well treated by A. Busson, Die Doppelwahl des Jahrs 1257, und das römische Königthum Alfons X. von Castilien: Münster, 1866, p. 10 *et seq.*

ecclesiastical interest. The house of Plantagenet did in fact rise to a European dignity and consequence almost unparalleled at that epoch, but these deceptive and visionary prospects were inevitably counterbalanced by injury to the foundations of its real power. "England appeared to be no longer a free kingdom, applying its resources to its own ends; with all its riches it was at the service of the Pope of Rome, and the throne was an organ of the hierarchy."*

Other political designs were directed towards Paris. It was only in consequence of Louis IX.'s continued absence in the East, that the English had been left unrestrained in Gascony. Now the condition of his kingdom, and the many complications among the States of the West, called for his presence at home, where at last he arrived in September, 1254. The English court had hitherto remained at Bordeaux, and it was now immediately resolved to return home by way of France, the inducements being partly devotional sentiment, partly love of art, but chiefly schemes of family policy. In December, during this brilliant visit to Paris, which must have again swelled the amount of the English debts, the four Provençal sisters were seen there together, the Queens of France and England and the consorts of Richard of Cornwall and Charles of Anjou. Louis's noble and gentle temper made personal intercourse easy, but no progress was made towards an adjustment of the many points

* Ranke, Englische Geschichte, i. 98. Details in my Geschichte von England, iii. 696, 700, 707; and Stubbs' Constit. History, ii. 68–71.

in dispute, especially those relating to feudal rights, which caused incessant discord between the two kingdoms.

It is remarkable that although the Earl and Countess of Leicester were probably in the neighbourhood, he did not take part in these negotiations concerning foreign affairs,* and even Eleanor, the only surviving sister of the King, had no place in the circle of royal ladies. It was not till the 10th of May, 1255, when Henry had returned home and the Earl of Leicester was tarrying in France upon his own business that he, with Peter of Savoy, was again charged with the onerous task of renewing the French peace, which in July was accordingly prolonged for three years.† At this time the Countess had already returned to England, where she lived in solitude at Kenilworth. Her brother the King rejoiced her now and then with a present of game,‡ but the estrangement between them was by no means forgotten. It had, on the contrary, become more marked since Eleanor, as well as her husband, had been among the creditors of the crown. When Henry purchased the county of Bigorre in Guienne, she had assisted him by the loan of 1000 marks. As

* A secret mission to Scotland in August, 1254 (Green, Lives of the Princesses of England, ii. 111), appears to be wholly unauthentic and based upon a misunderstanding.

† Simon's commission, Rot. Lit. Pat. 39 Henr. III. membr. 8; Peter's, Shirley, ii. 107; here it is said of Leicester, Qui pro quibusdam suis negotiis ad partes Franciæ se jam transtulit. The treaty, Rymer, i. 324.

‡ Rot. Lit. Claus. 39 Henr. III. membr. 10; 40 Henr. III. membr. 7.

in many other cases, he was unable to pay the debt, but referred her, July 8th, 1256, to his own debtors, Roger Earl of Norfolk, or a Jew named Adam; this was but an empty consolation, the more so because Earl Richard's claims had long taken precedence of all others. Bigorre remained mortgaged to the Montforts, and many other arrears were still due to them from the days of the government in Gascony.*

Notwithstanding all this, the relations with the court seemed gradually to improve. Simon was among the chiefs of the nobility who on the 16th of August, 1256, guaranteed the transfer of the fief of Huntingdon to the young King Alexander III. of Scotland.† The disputes with the clergy and baronage of the realm had become more violent, and Henry doubtless restored Simon to favour in order to secure his support. On the 11th February, 1257, several manors were granted him in fee, and on the 20th he was again nominated peace commissioner in conjunction with the learned lawyer, Robert Waleran, receiving at the same time express permission to enter upon the heritage claimed by him in France, if King Louis would put him in complete or partial possession of it. On the same day he obtained leave to dispose of his present property by testament, the King as debtor, swearing for himself and his heirs

* The evidence from the Rot. Lit. Claus. Green, Princesses, ii. 111, 112.

† Shirley, ii. 120.

never to contest the provisions he might make.* This spirit of compliance showed itself again in the summer of 1258, when the law was called upon to determine whether the village of Huddon appertained to the county of Berkshire or the barony of the Earl of Leicester.† But at that time Simon had chosen his side, and it was against the King his brother-in-law.

Since Henry's return from Gascony, the ill humour of the Lords had continually increased. He had recently incurred debts to the amount of 350,000 marks,‡ and immediately began to borrow again from his brother, to make illegal amercements upon the city of London, and to extort their usurious riches from the Jews, and from the officers of the exchequer in England. From the gulf in which he was sinking more and more deeply, he expected the estates to rescue him by voluntary aids. Hence, in return, the great council or Parliament, summoned at Easter, 1255, had again demanded a share in the choice of the three most important State functionaries, the Great Justiciary, Chancellor, and Treasurer, and that these officers should not be dismissed without consent of parliament. Although under different obligations to Pope and King, the Prelates and Barons declared themselves in closest alliance; § but, as the court still showed no

* Documents in Shirley, ii. 121. 392. Also Green, ii. 113.

† Shirley, ii. 393; July 5th, 1258.

‡ Matth. Paris, 913.

§ Ex parte universitatis; Matth. Paris, 902.

signs of yielding, the fruitless negotiations were postponed till autumn. In the interval, Henry concluded the treaty concerning the Sicilian crown, and thereby, with inconceivable rashness, made the Pope his largest creditor. In order to conquer the districts already occupied by King Manfred, he not only accepted the most humiliating obligations on his son's behalf, but also swore to send troops and to pay the totally impracticable sum of 135,541 silver marks.* Nevertheless, it was with unbounded joy that he presented the young Edmund to the reassembled peers in October, as King of Sicily and Apulia, the boy wearing on his finger the ring conferred by the Pope. Upon the question of contributions, Master Rustand, the plenipotentiary of the Curia, would not make terms with the assembly of the clergy, or with their procurators, but only with each individual person. Nevertheless, the greater number were faithful to their secular allies, and the estates as such refused every proposal because they had not been called together in a body, as Magna Charta expressly stipulated, and the affair of the Sicilian crown had been concluded without their consent.† The same attempts were repeated next year, with the same result. In 1257 the clergy granted an extraordinary aid upon a renewed confirmation of the Great Charter, but three weeks later they concurred with the barons in unanimously refusing to

* Rymer, i. 316 *et seq.*

† Sine consilio suo et assensu baronagii sui; Matth. Paris, 902, 913; Annales de Burton, 360. Cf. Stubbs' Const. Hist. ii. 71.

conquer southern Italy for the Roman court with English blood and gold; although ingenious Papal agents miserably impoverished the country, and by threats of interdict and excommunication, sought gradually to reduce both King and kingdom to submission.

As ill luck would have it, serious contentions broke out at the same time with Scotland, where the unruly nobility had driven their young king, Alexander III., to seek help and protection from his father-in-law of England; and in Wales, also, after Henry's eldest son Edward had been invested with the Marches, the national Prince, the youthful and aspiring Llewellyn, rose in rebellion at the head of the native mountain tribes, to assert the independence of their country. Owing to lack of money, and the already dubious attitude of the gentry, the expeditions against both countries were inefficiently conducted; both ended disastrously, and the Scotch and Welsh even combined in a military alliance.* Some slight advantage over semi-barbarous enemies had been obtained by earlier and more capable governments of a politically organized State, but even this seemed now to be forfeited. In every relation, by folly and fickleness, by obstinacy and vanity, Henry had trifled away the affection of his people and the honour of his kingdom.

But he was innocent of another disaster, which, nevertheless, was equally potent in nourishing the spirit of discontent and insubordination. The wet

* Their treaty of March 18, 1858; Rymer, i. 370.

summer of 1257 ruined the corn harvest; wheat rose during the winter to ten times its ordinary price, and a general famine broke out among the common people, who suffered largely from the other distresses of the time.* It was impossible to overlook the dangers whereby the monarchy and the progress of national development would be threatened, if the passive but persistent opposition of the Barons should now become active, and the lower classes in town and country, rough and ignorant, and still half-bound to the soil, should become possessed by vague and uncomprehended ideas, and rise in a destructive insurrection. Isolated convulsions of this kind had hitherto been easily repressed; the Anglo-Saxon peasant inherited from his fathers the habit of endurance and toil in the sweat of his brow, and he brooded on in stolid silence in his old condition. But what if now a hero should appear, who, with patriotic enthusiasm and political acuteness, knew how to guide all classes towards a goal which promised at once material ease and public peace, in place of bitter want and universal shame?

Since Stephen Langton, no great leader had appeared upon the thorny road whereby political rights are attained. Through John's humiliation before Innocent III., the Bishops were fettered by a double relationship to the Pope, and constant jealousies among the Earls and Barons permitted no one man to achieve distinction in the still very undeveloped assemblies. The authority of the crown and its experienced judi-

* Geschichte von England, iii. 714.

cial and administrative officers was supreme in all affairs of business. Earl Richard, the King's brother, suffered frequent injuries like the rest, and might perhaps have exercised an influence at once commanding and conciliatory, but his character lacked solidity, and his position forbade him to disregard the dynastic interests of the Plantagenets whenever they were seriously at stake. His royal brother had for years been mortgaged to him if to any one in the kingdom, but his own hands were tied in consequence. Now, on account of his world-renowned wealth, Richard had been elected King by the Papal party in Germany, without bringing any serious burdens upon the crown and its vassals, as in the case of the Sicilian crown. He left England in the spring of 1257, and thus deprived the prelates and barons, temporarily at least, of his personal counsel.

Such was the general position of affairs when the Earl of Leicester came forward, and in a few years made himself the leader of a popular movement. Personally, he was not unprepared for the position, but forces of very diverse character supported and favoured him. What induced him just at that moment to emerge from his retirement? Through his marriage, his relationship to the King was well-nigh as close as that of the other foreign nobles who domineered over the country; but, unlike them, he carefully abstained from dishonourably enriching himself with revenues and offices, or from interfering precipitately in the public business of the realm. His disinterested acceptance

of responsibility in Guienne, and the prudence and courage he there manifested must rather have won him the long-withheld esteem of the native English Barons. He did not belong to the insatiable parasites, but to the creditors of the court. Neither could it be unobserved that, though Henry repeatedly restored him to favour after gross ill-treatment, there remained an unconquerable mutual repugnance between the two, founded in Henry's mind upon that dread of ability common with incapable despots, and in Simon's upon long-increasing distrust. It may be that in proportion as he was compelled to distrust this relationship, it became easier for him to join the opposition party, although there was no sign of closer personal connection with any of the prominent nobles.

More effect was produced by home and family politics, in which the Countess played an active part. Her nature was ardent and enterprising, whilst the King, her brother, was capricious and dependent upon promptings from without; sympathy between them was impossible. Not only had he sinned against her womanly honour, he had also curtailed her inheritance long before; for when she was the widow of the Earl Marshal, and still a minor, he had contrived that instead of the 2000 marks assigned her, only £400 should be yearly paid as jointure, and, without her knowledge, he had affixed her seal to the agreement.* The matter had been before a court of law for many

* Rot. Lit. Claus. 17 Henr. III. membr. 9 dorso. Numerous facts in Mrs. Green's Lives of the Princesses, ii. 116 and 453.

years, and various other claims had been added; for, in his constant embarrassments, Henry applied to his sister, whose admirable financial management was as remarkable as his incompetence. Though she was scarcely received at court, and seldom treated as became her royal birth, she never failed to assert her rights as a member of the house when any opportunity occurred, such as a cession of territory, or transfer of fiefs. In all these matters her husband was her best counsellor. It was part of the destiny of their lives that, living in familiar intercourse with the band of Minorites, who were struggling against the deep moral corruption of the time, they both saw the duties of King and bishops and nobles in a totally different light from that in which they appeared for the most part to those dignitaries themselves. The Franciscan doctrine of lowliness and humility opened their hearts to sympathize with the position of the common people, and they, in short, attained views of life very rare in their time and station. The family was inspired by peculiar religious and political convictions. To their sorrow, they had lost their best support in 1253, by the death of Robert Grosseteste, who never wearied of preaching forbearance and patience under wrong. Four years later, the faithful Adam of Marsh died; he appears latterly to have been less intimately connected with the Earl's household than before.* The only

* According to Brewer, Monumenta Franciscana, p. xcix., Adam must have died in 1257, at latest in the spring of 1258. It is remarkable that there is no letter to the Earl and Countess in his collection after their last return from Gascony.

wholesome check upon Simon's ambition and self-confidence, perhaps upon their common desire to retaliate upon their enemies, was thus removed. Though the noble convictions and principles which they had derived from that connection remained unchanged, it certainly was not an accident that now, when Leicester was fifty years of age, and had outgrown priestly advice, he entered upon a new course of public life, where he was no longer protected against arrogance and other obvious perils.

The peers and lieges of the realm were summoned to Westminster, as was customary, fourteen days after Easter, 1258, to discharge urgent business, this time in connection with the Welsh war, and the rigorous demands of Rome.* The Earl of Leicester appeared among them. It is scarcely probable that he had accomplished a mission to Italy, upon which he had been appointed during the previous summer with Peter of Savoy and John Mansell, a clerk of the Treasury. In any case they had made so little use of the authority granted them, to return the Sicilian crown in the last extremity into the Pope's hands,†

* Rymer, i. 370, May 2: pro negotiis nostris arduis . . . . proceres et fideles regni. Among the attesting members of the royal council there appear, besides Prince Edward, no native barons except the Earl of Warwick, and no judges. On the other hand, there are two of Henry's step-brothers, Peter of Savoy, and such obsequious officials as John Mansell.

† Rymer, i. 360; June 28, 1257. Probably the journey was never taken, and Rot. Lit. Pat. 42. Henr. III. membr. 15, where the King acknowledges a debt to the Earl of £1198. 14*s*. 10*d*. has no connection with it.

that in January, when the King was sorely embarrassed, he, nevertheless, wrote to the Cardinal-Deacon Octavian, that the estates did indeed withhold their consent, but, if the Papal court had patience, he would still fulfil all his obligations.* Immediately afterwards, the sharpest menaces had proved that the Pope was in earnest; the displeasure of the assembled estates was full to overflowing. The Earls of Leicester and Gloucester made no attempt to conceal it, both not a little encouraged by Richard's absence in Germany.

In extreme ill-humour, the King again had recourse to abusive language, and his malicious half-brother, William of Valence, the son of the same Hugh de la March, who in 1242 deserted to the French at Pons, dared to call the Earl of Leicester an old traitor and liar. "No, no, William," he replied wrathfully, "I am neither a traitor nor a traitor's son. Our fathers were of a very different stamp." The personal and political quarrel between these two foreign nobles would have been decided on the spot by the sword, if the King himself had not separated them. In the fierce debates Simon most frequently acted as spokesman to the assembly, and gave expression to that which was in the hearts of all,† charging the unhappy King with reducing the realm to such destitution by mortgaging it to the Pope, and by granting enormous favours to

* Shirley, ii. 126, undated, but not later than the beginning of February.

† Non tamen regi, sed universitati præcordialiter est conquestus, exigens instanter sibi justitiam exhiberi. Matth. Paris, 968.

his minions, that it was now impossible to shake off even such contemptible enemies as the Welsh. Nothing was gained by discussion, or by the old plan of soliciting the prelates singly; and, on the 2nd of May, Henry was at last compelled to make concessions which were tantamount to a complete overthrow of the present system of government. The estates promised a national subsidy on condition that the Pope should moderate his demands, and the King pledged himself in return to reform the administration of the realm before Christmas, with the advice of his faithful estates and in presence of a Legate. But on the same day, in the tumult which the movement caused, a writ was issued bidding the Parliament meet again four weeks after Whitsuntide, at Oxford, an unusual and neutral place, where a committee of twenty-four—twelve chosen by the Crown and twelve by the Barons—should propose the essential features of a comprehensive reform; their decision the King swore upon his soul to accept without gainsaying.* So, at last, after long and miserable restraint, the dam was broken through, as in King John's days, but the question remained whether the waters could again be brought under control as speedily as then.

On the appointed day, the 11th of June, the Barons,

* The documents in Rymer, i. 370, 371, 372. The words of the writ are: Ad hoc parliamentum nostrum Oxoniæ, quod erit in unum mensem post festum Penticostis. Stubbs' Select Charters and other Illustrations of English Constitutional History, 2nd ed. p. 380, 381. Const. Hist. ii. 73, 74.

great and small, arrived in Oxford, to assemble there in the Dominican Convent. Some hundred nobles marched, armed and mounted, towards the town with their horsemen. The summons against Wales, and the insecurity of the French truce, afforded the pretext; but, remembering the events of 1215, they had secured the harbours in order to guard against any stroke from abroad.* Their equipment really expressed a steadfast determination to abolish the grievances under which the kingdom groaned. The King, who lodged in the neighbouring Castle of Woodstock, and his party, consisting chiefly of foreigners and churchmen, were compelled to give way. Yet as their representatives upon the committee of twenty-four, they for the most part elected themselves; two bishops, Henry's step-brothers, his nephew, the eldest son of King Richard, the Earl de Warenne, who had married a half-sister, the Earl of Warwick, and some low-born and submissive tools of the government. Among those elected by the opposite party were Walter of Cantilupe, Bishop of Worcester, Grosseteste's saintly friend; the Earls of Gloucester,† Hereford, Norfolk, and Leicester; and,

* Matth. Paris, 970.

† According to the patent of June 22, in Reports of the Lords' Committee touching the dignity of a peer, i. 103, Richard of Gloucester was chosen by the King; but the contemporary reports, especially the documents in the Annales de Burton, 447 (newly edited by Luard, Annales Monastici, Rer. Brit, med. ævi SS. i. and described even in those Reports, i. 105, as authentic

among the knights and barons, also a cousin of the last Peter of Montfort. With passionate delight in constantly repeated elections, the twenty-four then nominated four out of their number who were to appoint a royal council of fifteen members. The Barons succeeded in carrying ten candidates for the council; whilst on the king's side, only the Archbishop of Canterbury, the Earls of Warwick and Winchester, Peter of Savoy, and John Audley were chosen. Thus the faction of foreign favourites and subordinate clerks was completely defeated, and an elected government and a constitutional ministry established. Of its members an overwhelming majority were hostile to the present system, and practically wrenched the government out of the King's hands. Simon was superior in rank to all, except the two prelates of Canterbury and Worcester; and already he was pre-eminently distinguished by his zeal in establishing an entirely new *régime*. Probably the measures and decisions of this memorable parliament were for the most part originated by him.

The committee of twenty-four did not now retire, but proceeded to act in the name of all the tenants-in-chief (*per le commun*), first presenting a series of petitions for the abolition of abuses in feudal matters and in the administration of justice; and marking the

documents) place him distinctly on the other side. Moreover, the late date of the patent is noticeable. Perhaps the two parties contended for the doubtful earl, who from the first could hardly work harmoniously with Simon.

national character of the movement by the demands that all royal castles should be taken out of the custody of aliens, and committed to natives; and that heiresses should only be given in marriage to their countrymen. They pressed for a reduction of the exactions arising out of the high rents of the sheriffs, and many other dues augmented by the crown itself, and urged that measures should be taken against the Jews and usurers of whom many embarrassed nobles and gentlemen became the prey. From such memorials the committee drew up new constitutional articles, the so-called Provisions of Oxford,* enforcing in the first place inviolable observance of the oft-confirmed charters. They reserved to themselves the long-disputed right of appointing the Great Justiciary, the Chancellor, and the Lord Treasurer. This encroachment upon the province of the executive would have been prejudicial to the vigorous centralization that had been carried out in judicial business since the reign of Henry III., and would have substituted the feudal pretensions of baronial justice for the legal system developed by the crown judges. The Great Justiciary, until Hubert de Burgh, was the highest officer of State, and the King's representative as the sole and personal fountain of justice. Since that time he had been superseded by the personal absolutism of the monarch; and now he was to be reinstated by the

* The petitions in Latin, and the Provisions of Oxford in French, Annales de Burton, p. 439, *et seq.*; and Stubbs, Select Charters, 382 *et seq.*

Barons themselves, but for a contrary purpose, as the most important guarantee of their political rights. The position accorded to their nominee, Hugh Bigod, brother of the Earl of Norfolk, recalls that held by the justicia in Aragon.

A special resolution ordained that Parliaments should be regularly summoned for the 6th of October, the 2nd of February, and the 1st of June. Besides the King's fifteen appointed counsellors, only twelve nobles (*prodes homes*), elected in the name of the whole, were to meet on these occasions to transact the general business of the realm as far as the King's rule extended. This restriction of number was nominally to save expense to the community,* but really to limit the assembly in accordance with the character of a baronial court. The whole community was bound to acquiesce in the decisions of these oligarchic representatives.

Yet another committee of twenty-four members was elected to consider the subject of a national tax, evidently with reference to the Pope's demands. They came, however, to no understanding, for the rapid revolutionary changes were just reaching their climax. A separate article ordered the election of four knights in each shire† to take note of local grievances for the next Parliament. Oaths were prescribed for all the elected commissions, for the new

* Pur esparmir le cust del commun. Annales de Burton, 452.

† Quatuor discreti et legales homines, qui quolibet die, ubi tenetur comitatus, conveniant; etc. Ibid. 446.

officers, and for the wardens of castles. Without the possibility of making resistance, Henry was compelled, candle in hand, to swear to the laws which were forced upon him. In a series of charters wrung from him under the pressure of existing circumstances, he confirmed the oath for himself and his son; made himself surety for the confidential adherents who were left to him, and enjoined upon the sheriffs the abolition of their oppressive practices.* His humiliation could go no further.

But this result would not have been attained without a decided exercise of force. On the 22nd of June the victorious party had determined the fate of the royal fortresses. These had been entrusted almost exclusively to foreign favourites, to whom the King's first-born son Edward, Henry, the son of King Richard, and the Earl de Warenne adhered. Although Leicester, whose position by birth was similar to theirs, set them an excellent example by delivering up his castles of Kenilworth and Odiham to the King, they raised a vehement opposition. Young Henry declared that he could not acquiesce in the decree in his father's absence. Simon retaliated upon the insolent William of Valence for his recent abuse by crying: "Either the castles or thy head." To escape the storm Valence and his brothers, Guy and Geoffrey of Lusignan, suddenly left Oxford with their retainers, and joined their brother Aimar, the Bishop

* Shirley, ii. 127, June 26: Fiat reformatio et ordinatio status regni nostri; p. 129, August 4, similar French writ; to the sheriffs, Annales de Burton, 456.

elect, at Wolvesham castle, near Winchester. The Barons, on their side, now raised the session and followed them in arms, taking the King with them and led by Simon, for he had caused the custody of the castle of Winchester to be assigned to him on the same 22nd of June.* A convention was framed there in July, and the whole coterie were banished from the kingdom, including William, although he was Earl of Pembroke, and also the Bishop Aimar. Before this was effected, the Abbot of Winchester and a brother of Gloucester's had been poisoned at a banquet at their instigation. When removed from the King's council, their insolent demeanour had brought upon them the national vengeance, all their possessions, titles, and honours were accounted robbery and forfeited; their royal patron was compelled himself to pronounce sentence of deprivation. Their fall was followed by the submission of Edward, Henry, and Warenne.†

Such coercion did not meet with universal approval, and the disaffected were not slow to perceive that it would furnish the desired occasion for a reactionary attack upon the Provisions.‡ Was it not in fact, the

* Rot. Lit. Pat. 42 Henry III. membr. 6.

† The principal source of information, besides Matth. Paris and the Annal. Winton. ed. Luard, p. 95, is the letter of an eye-witness de curia regis in Annales de Burton, 443; also a number of documents; compare Gesch. v. England, iii. 720 ff., and Stubbs' Const. Hist. ii., 78, 79.

‡ This opinion is expressed by the so-called Thomas Wykes, p. 119. almost the only royalist historian: Quintus articulus omnino illicitus fuit et præcipue detestandus. He must have

greatest anomaly, a grave offence against the new law, that an alien by birth, such as the Earl of Leicester, should imperiously press to the front as spokesman in a patriotic movement; that he had taken possession of Winchester, one of the keys of the realm, and despatched his eldest son, Henry de Montfort, to Boulogne in pursuit of the exiles, for the purpose of rescuing the treasures which they had carried off? The humiliation of the King, and the attempt of the vassals to conduct a constitutional government themselves, threatened to issue in the dictatorship of one man. But, for a time, nothing was more popular than the expulsion of the foreigners from fiefs and benefices, and the transfer of fortresses to native governors in the name of the State. The national peace far outweighed in consequence the vigorous and permanent transformation of the constitution. Hence, the prevailing opinion among contemporaries was almost enthusiastic approval of the new measures; it was later, when their fruit would not ripen, that the opposite party gave the derisive name of the "mad Parliament" to the Oxford assembly.*

had before him an original numbered draught of the Provisions, such as has not been preserved to us. According to Luard's edition, he nearly copies the Osney Annals down to the year 1258, but differs entirely from them in the period of the Barons' war.

* The chroniclers of St. Albans, Winchester, Waverley, and Dunstaple were entirely favourable to the Barons; Ferociter procedunt Barones in agendis suis, utinam bonum finem sortiantur, are the words of the above-mentioned letter in the Annals of Burton. The expression insane parliamentum apud Oxoniam,

In the summer of 1258, when the promoters of the new laws proceeded forthwith to put them into execution, the greater number could scarcely overlook the dangers of the situation which they had themselves created: though with a measure of distrust they relied upon Montfort's sagacity for the solution of all domestic and foreign perplexities. The Papal agents were promptly sent home with an answer thoroughly characteristic of the temper of the secular vassals: The Sicilian crown had been accepted without their sanction, and therefore they were not bound to pay the heavy price.* No one was better qualified than Simon to bring about an enduring peace with France. This, chiefly, because of the King's vain hope of winning back Poitou, or even the Norman duchy, had been hindered for more than twenty years by a succession of unsatisfactory truces, almost more effectually than by war itself. The King's administrative council and the committee of delegates, in which Simon was for a time the master spirit, believed that they neglected no means of making their work lasting. From Winchester they hastened to London, in order to secure the City as their fathers had done in 1215. The King was forced to issue a series of writs, appointing new sheriffs to the counties, and subordi-

afterwards so common, is first found in the London Chronicle, written in the reign of Edward I. by the Alderman Arnold Thedmar, an adherent of the crown, of German descent. 'Liber de Antiquis Legibus,' p. 37 (Camden Society.)

* Letter of the fifteen counsellors to the Pope in Annales de Burton, 457; Matth. Paris, Additament, 215; and Rymer, i. 373.

nating their office to the will of the community.* Every provision was to be actually put into execution.

And yet the provisional government, though it was carried on till the end of 1259, and with some interruptions even to the spring of 1263, almost immediately proved unequal to the performance of its promises upon the most essential points. Hugh Bigod, the Great justiciary, was not an erudite lawyer; and baronial justice could not in any measure replace the system that had been founded by the crown as the basis of the realm, and required skilful administrators, well versed in the common law—men who in the thirteenth century still sought to learn from the jurists of Bologna, at least formal principles for the support of the national jurisprudence. The Barons further believed that they had cut off one nerve of the monarchy by persecuting its loyal and experienced officers, but in doing so they robbed themselves of indispensable instruments, without whom the new government inevitably lapsed into confusion. The higher clergy, with the exception of a few friends of reform, had estranged themselves from the nobility, and, because the claims of the Pope were so sternly ignored, most of the prelates were necessarily omitted in the many elections of committees. And, lastly, the crowd of smaller vassals had never been bidden as a body to Parliament, as had been once promised in Magna Charta, and they were by no means content to be of no importance beyond their own shires, whilst the great Barons deported themselves as

* Ann. de Burton, 456. Rymer, i. 375.

if their oligarchic rule were to last for ever. Hence, the first attempts at administrative reform, under the judicial and financial authority of the sheriffs, naturally aroused opposition among the holders of small fiefs, who, though they gladly welcomed a release from royal oppression, did not consider themselves represented in national matters by a committee elected exclusively from among the great Barons. With all the elections and siftings for the various commissions, none were provided with representatives except the *élite* of the tenants-in-chief.

These malcontent views, grounded upon the memory of universal political rights in primitive times, made themselves immediately apparent, though quietly and cautiously. After the constituent decrees passed at Oxford, the Parliament, since moved to Westminster in October, 1259, felt itself to be in truth a legislative assembly, as it announced the ratification of the new laws to the nation through the provisional government of fifteen and in the King's name. It is remarkable that the two vernacular idioms, French and English, were first used about this time.* The sovereign was virtually divested of his free authority, and the great Barons, as rulers and legislators, took the government of the realm into their own hands through the instrumentality of the fifteen ministers and twelve representatives whom they elected.† On the other hand, it was

* See the names of the council and the different commissions collected and arranged by Stubbs, Const. Hist. ii. 82.

† The remarkable patents of October 18th, 1258, Rymer, i. 377.

on this account the more significant that the knighthood, the *communitas bachelericæ Angliæ*, as they styled themselves, ventured to draw up a protest and present it to the young heir, who regarded the whole movement with marked disfavour. Full of loyalty to the King since he had submitted to the conditions laid upon him, they accused the Barons of acting for their own advantage only, and doing nothing for the good of the realm. If the position of affairs remained unchanged, Prince Edward himself, seemingly in concert with Earl Simon, openly threatened a counter reformation.*

To their own loss, moreover, the great Barons overlooked a numerous class of peers by the recognition of whom the whole movement might have gained real popularity and vigour, had they so chosen. The twelve delegates proceeded as if no one could disturb their rule, and issued from Westminster a long series of statutes in French and Latin for regulating the administration of justice. In the Parliaments which were

378. Geschichte von England, iii. 909, 910; and the excellent monograph by Alexander F. Ellis. The only English proclamation by Henry III.

* Annales de Burton, p. 471: Festivitate S. Edwardi regi et confessoris in quindenam S. Michaelis, the 13th and not the 6th October. Many of the documents in these annual registers are loosely arranged, and it remains uncertain whether the year was 1258 or 1259. Gneist, Geschichte und heutige Gestalt der Aemter und des Verwaltungsrechts in England, 2 ed. i. 305, dates 1258; Stubbs, Const. Hist. ii. 81, 1259, in accordance with the Provisions of the Barons, see Statutes of the Realm, i. 8, and Select Charters, 400.

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assembled, according to the Provisions, for more than a year, this zealous law-making ceased, but still the self-chosen ministers and peers governed in the stead of the King and the community,* and when Richard, King of the Romans, visited England, they exacted from him an oath to accept the newly enacted measures. At the same time they experienced daily increasing difficulty in conducting foreign affairs and in preserving union among themselves.

Earl Simon was the only man who stood forth pre-eminent among them all, the only man before whom the King trembled. If he had really been dictator instead of one among many, he might have steered clear of many perils. But the possibility always remained that whenever any schism occurred among the Barons themselves, the Earl's adversaries, of whom there was no lack, would go over to the King's party. Upon one occasion, during the stormy summer of 1258, the King was surprised by a tempest on the Thames, and sought shelter in Simon's lodging. He then told him to his face,—him who had torn from him his kinsfolk and favourites, and forced upon the court the practice of economy and thrift: "I have great dread of thunder and lightning, but, by God's Head, I fear thee more than all the storms in the world."† And the peers of

* Le cunseil le Rey et les duze esluz par le cummun de l'Engleterre saluent tute gent, are the words of their address of March 18, 1259; Rymer, i. 381. In November the itinerant judges were despatched to the counties per consilium magnatum nostrorum; Shirley, ii. 141.

† Matth. Paris 974.

highest rank feared him no less. Not only did his quite peculiar connections and his impetuous and imperious manner excite their mistrust; he did not fully sympathize with the exclusive attitude of the nobility, who anxiously debarred the knights and citizens from all participation in public affairs. Add to this, that, almost without their concurrence, the negotiations with France on the part of the new government were chiefly entrusted to this born Frenchman. His return from the continent was eagerly awaited by his friends in the spring Parliament of 1259, but when he arrived late in the session, an altercation immediately followed with Richard de Clare, Earl of Gloucester and Hertford, the man who everywhere stood next to him in rank. Although Gloucester had been for years a champion of constitutional rights, he had recently betrothed his son to the daughter of Guy of Lusignan, one of the King's half brothers, and according to one statement had even been chosen by the crown to the committee of twenty-four. We are ignorant of the special occasion of the outbreak between him and Simon, when the latter cried passionately: "I will have nought more to do with such turncoats and deceivers."* But we know that popular opinion already pointed to the Earls of Gloucester and Norfolk, and some other prominent nobles, as waverers or even renegades from the good cause.†

* Matth. Paris, 986.

† O Comes Glovernie, comple quod cœpisti;
Nisi claudas congrue, multos decepisti . . . .
O tu, Comes le Bygot, pactum serva sanum:
Cum sis miles strenuus, nunc exerce manum. . . . .

Th. Wright, Political Songs (Camden Society), p. 122, 123.

Simon had immediately hastened back in wrath to France, where his presence was indispensable to the conclusion of the long-sought peace. Normandy and the counties of Anjou, Maine, Touraine, and Poitou were at last formally ceded to Louis IX., and the points in dispute concerning the feudal relation in Guienne were determined.* The two States and peoples were thus placed upon a more satisfactory footing with regard to one another, than at any time since King John's humiliation; but the negotiations were disturbed, not only by the compensation due to Simon for the services he had rendered, but also by his direct dynastic claims. It was not without reason that the Countess again accompanied her husband abroad. He made use of his power to compel the King to discharge his debts out of his strictly administered revenues, and Eleanor also hoped now to receive the whole of the jointure bequeathed by her first husband.† It is remarkable that Simon, on this occasion, resigned the eventual title to Toulouse and Beziers that he derived from his illustrious father;‡ and the King of France did not proceed to ratify the instrument of peace until he had received a renunciation from all agnates of the house

* Rymer, i. 383 *et seq.*

† £200 to Simon, Rot. Lit. Pat. 43 Henr. III. membr. 15. Eleanor was to be indemnified by certain royal manors; and the King redeemed his pledge on Bigorre at least for seven years. Mrs. Green, Princesses, ii. 117.

‡ Vic et Vaissete, Histoire de Languedoc, vi. 110, and Preuves, p. 522; Simon's deed dated Paris, December, 1259.

of Plantagenet, consequently from Richard and his sister. But Eleanor and her husband, doubtless not undesignedly, raised many difficulties with reference to the county of Agenois, once received by Raymond of Toulouse as dowry with his wife Johanna, daughter of Henry II.; through her granddaughter it passed to Alfons, brother of Louis IX., when he, by marriage, acquired possession of Toulouse as well as this fief. After his death, Eleanor, as cousin of the present Countess, again asserted her claim to the province, which was lapsing to the French crown. Probably her object was less to preserve an ancient fief of Guienne to the house of Plantagenet, than to assist the constantly-reviving schemes of the house of Montfort for securing dominion on French soil.* It can scarcely have been accidentally that the Earl of Gloucester was appointed one of the arbitrators on the English side in this case. The peace could not be concluded in its entirety until the end of the year, and then not until Henry III. had escaped from his guardians and their disagreements, and repaired to the French court. Throwing himself into Louis's arms, he skilfully took advantage of Simon's dubious demeanour, and encouraged the suspicion that he sought to profit by the general confusion, and to acquire undue power for himself and his house, perhaps even the crown of the realm.†

* All the authentic documents in Mrs. Green's Princesses, ii. 114, *et seq.*

† Comes autem Leycestriæ huic paci opposuit, proponens quod

A dangerous double game immediately commenced between Henry and Leicester, each seeking to elude and outdo the other in dealing with the English nobility and the French King. On the 4th of December, as soon as they had signified their concurrence in the Anglo-French peace,* Simon and his consort sailed from the French coast, and landed with a stately train of horsemen, which excited universal attention. On the 10th of February, 1260, the Earl was entertained like a prince by the Abbot of St. Albans.† He had come to make sure of his adherents, to protect the Provisions of Oxford from the intrigues of his opponent Gloucester, and, if necessary, to defend with his sword the constitution which was founded upon them. His sudden boldness and decision would be inexplicable if the Court had not been engaged in extensive intrigues during its apparent triflings at Paris. After he had at last made terms with his brother-in-law, King Louis, and whilst he remained in a foreign country, Henry appeared to consider himself perfectly free from restraint, at least in dynastic matters. On the 16th of January he despatched a message to the clergy and nobility of Sicily, to the effect that, with the hope of support from the Pope, he was disposed to

processu temporis contingere posset quod eædem terræ simul cum regno Angliæ ad filios suos vel hæredes jure hæreditario descendere possent, says the royalist Thomas Wykes, 123. Compare Geschichte von England, iii. 736.

* Rymer, i. 392.

† Matth. Westmonast. 371.

renew his suit for the crown of that kingdom on behalf of his son Edmund.* On the same day he addressed a communication to the Great Justiciary, Hugh Bigod, informing him that unforeseen difficulties necessitated his continued absence, and demanding that no parliament should meet until his return.† The sagacious Louis IX. was favourably disposed towards the Earl of Leicester, and it was not easy for Henry to attach him to his interests. He had trifled away several months on the coast of Boulogne before he found courage to give him notice that suspicious exportations of arms and horses were carried on by Simon's orders.‡ His entire destitution, and his great dread of disorderly scenes at home, led him to postpone his return until the money stipulated in the treaty of peace was paid.|| But, on the 23rd of April, he landed suddenly at Dover, for a rumour had reached him that, at a Parliament held

* Negotium Siciliæ quod assumpsimus secundum effectum nostri desiderii veluti proponebamus hucusque prosequi nequivimus. Shirley, ii. 147.

† Ibid. ii. 148. The same again to the other members of the council on the 19th of February, p. 153.

‡ Rymer, i. 396: Per quod motum animi ejusdem comitis evidentius perpendere poteritis qualiter erga nos se habeat. The date April 28 is erroneous. A similar warning to King Richard, who was then in England, against an enterprise of the step-brothers from Poitou, April 18, l. c., has the appearance of a feeler.

|| According to Rot. Lit. Pat. 44 Henr. III. membr. 5, he received on the Monday after the feast of St. Peter and St. Paul 14,583 livres tournois for himself, and 5000 marks for King Richard.

in London, in spite of the royal prohibition, Simon was attaching Prince Edward to himself, and that the latter had declared his intention of abiding by the oath he had once sworn. Henry feared, therefore, that his son might be induced to aid in his dethronement; and for fourteen days he struggled against the desire to admit him to his presence, conscious that if he saw him, he should be unable to restrain the impulse to embrace him.* It may be that Edward wavered for a moment, impressed by the sacredness of his oath, but very soon after the King's return the constitutional party were compelled to give up their hopes of him and many others. A mission to Gascony filled the young and enterprising Prince with other thoughts. We do not know how far Simon ventured towards so hazardous a measure as a combination with the heir against the father, but it is plain that he now gave way before Henry; perhaps because he had dared too much, and could no longer rely upon his followers. At the marriage of the Princess Beatrix with the heir of Brittany, on the 13th of October, he did not discharge the functions of steward, but Henry, son of the King of the Romans, officiated in his stead.† The

* Ann. de Dunstaplia, 214. Will. Rishanger Chronica, ed. Riley, p. 9: Iratus valde, a patris absentavit se conspectibus, adhærens Baronibus in hac parte, sicut juraverat. According to Thomas Wykes, 124, King Richard, Edward, and the Barons, contradicted the rumour under their respective seals. Compare Geschichte von England, iii. 738.

† L'atorne Simon de Montfort Conte de Leicestre a servir pur li. Rymer, i. 402.

King, evidently well advised, succeeded in misleading his subjects by the wording of his proclamations against the importation of foreign mercenaries and war materials, conveying the impression that he intended faithfully to observe the Provisions of Oxford, whilst, at the same time, he took up his residence in the Tower with his consort, and gave orders for its fortifications to be put into a state of thorough efficiency. The breach had already widened considerably, and Simon's influence greatly declined when Henry could venture to summon the Barons of the realm, no longer, we may be sure, the elective committee that had been forced upon him, to meet for the autumn Parliament in the royal fortress. The peers declined to assemble in any other place than Westminster, where their meetings had been held from time immemorial,* but they thus themselves invited the long-prepared attacks upon those Provisions which three years earlier they had defiantly issued from an unaccustomed place.

When the regular parliaments and concord among the nobles came to an end, the present system of government was shaken in town and country. The court sought by aid of its partisans among the knights of the shire to recover the power of appointing sheriffs. When Hugh Bigod, perhaps driven to despair by the course which the movement had taken, voluntarily resigned his high post, and the constitutional peers

* Ubi parliamentum tenere consueverunt, et non alibi. Ann. de Dunst. 217.

put Hugh Despenser in his place, both were harassed by royalist soldiers, the one at Dover, the other in London. These troops had taken possession of the bridges and gates in the city, and pledged all the male inhabitants to support the King. A mandate of the 14th of March, 1261, ordered the arrest of all persons who falsely asserted that the King intended to impose taxes by his own authority, or arbitrarily to alter the laws of the land.* Six weeks later William of Valence was already restored to favour, and to the possession of his estate, together with the castle of Hereford.† In the old form used before the revolution of 1258, a Parliament was summoned to meet in Winchester at Whitsuntide, the 14th of June, and there, at last, the decisive blow was struck.

Pope Alexander IV. followed the example of Innocent III.'s dealings with King John, and absolved Henry from all the obligations that had been forced upon him. Whilst the Barons were united, the Curia had kept silence for some years, and had not despatched the Legate, for whose assistance Henry prayed so earnestly when, in 1258, he was compelled to submit to the estates. But the secret intercourse between him and Rome was kept up without intermission. His necessities forced him to crave remission of the large

* Chiefly Liber de Antiq. Legibus, 45, 46, and Rymer, i. 405. Also Thomas Wykes, 125: Cœpit proponere plures articulos contra Barones, et rationes prout sibi videbatur satis efficaces. quod non tenebatur observare Provisiones Oxoniæ.

† Rot Lit. Pat. 45 Henr. III. membr. 13, April 30.

sums for which he stood pledged on account of the Sicilian transactions, and to pray that for God's sake the Pope would not insist upon the reinstalment of Aimar of Lusignan in the see of Winchester.* Fortunately, Aimar had died on the 13th of December, 1260, when the breach was widening between Leicester and Gloucester, and in the interval, the Sicilian affair had again been put in train at Rome. Then, on the 13th of April, the bull was published at the Lateran, which enabled Henry to meet his Parliament in better spirits, and to make perjury easy to himself and all who would follow him. The bull anathematized the violence that had been put upon the power and freedom of the kingly dignity under pretence of reforming the realm; and, by virtue of apostolic authority, it cancelled the Provisions in their entire compass, with all the oaths taken under the new government. "For the sacredness of the oath, which ought to confirm faith and truth, may not become a cement of violence and iniquity." Several prelates, John Mansell among them, were authorised to absolve the King and his house, and all persons, whether priests or laymen, from their oaths.†

Although no formal negotiations took place at Winchester, the Earl of Gloucester and other moderately disposed men now came over publicly to the King's

* Ad vitandum enorme periculum quod nobis et regno nostro occasione ipsius posset imminere. Still from St. Denis, January 18th, 1260. Shirley, ii. 151.

† Rymer, i. 404, 406.

side, and Henry again ventured to nominate the Great Justiciary, Chancellor, and Treasurer upon his own sole authority. To reinstate his sheriffs in the several counties was more difficult. Conferences on the subject were called to Windsor, London, and Kingston, but the opposite party took their stand upon the Provisions of Oxford, and would recognise none but their own officers; in vain the King commanded his lieges to expel the present sheriffs, in vain a mixed committee for months discussed a compromise, until, as a desperate resource, King Richard was requested to arbitrate. At Easter, 1262, he delivered his judgment, to the effect that the King alone had power, as of old, freely to appoint and dismiss all judicial and administrative officers. Hereupon a desultory war broke out in the country, and both parties strove to inflame it and make it general by importing French mercenaries. An amnesty was proclaimed for the Earls of Norfolk, Leicester, and Warenne and eleven other nobles, who had all belonged to the committee of twenty-four, on condition that they signed and sealed a renunciation of the Provisions by Whitsuntide, 1262, but neither this measure, nor the renewal by Pope Urban IV. of the bull promulgated by his predecessor, produced the desired effect.* The court party had long recognised the fact that without other assistance neither Papal mandates nor the means at the disposal

* Shirley ii, 192; Oct. 18, 196; Dec. 6. Rymer, i. 411; Dec. 7. Compare Geschichte von England, iii. 742, and the detailed survey in Stubbs, Const. Hist. ii. 84-86.

of the King's adherents were sufficient to coerce and subdue the defenders of the statutes of 1258, with the support which they could fall back upon in the country.

The Earl of Leicester, the leader of the constitutional party from the time when Gloucester and others had renounced fellowship with him, did not give up the game as hopeless. For a while longer he maintained a defiant attitude, relying upon his foreign horsemen, whose importation the King vainly forbade, and with the Countess he resumed the contest for the jointure.* We do not know whether he appeared in person at Winchester, London, or Kingston, but he went to France as early as the summer of 1261; it was rumoured among the people that he had sworn a vow to live in poverty and exile rather than be faithless to the truth,† but the real object of his journey was to appeal as a claimant of equal standing to the same foreign power as the King, his adversary.

On the 14th of March, before he ventured to emancipate himself by Papal aid, Henry had agreed with Simon and Eleanor to refer their personal quarrel to the decision of the pious and upright French King, and if he declined the office, to Queen Margaret, as-

* Datum est intelligi quod Simon de Monteforti comes Leycestriæ nititur introducere in regnum nostrum gentem extraneam cum armis contra nos. Rymer, i, 406; May 28, 1261. Compare Mrs. Green, Princesses, ii, 129.

† Ann. de Dunst. 217, dicens, so sine terra malle mori, quam perjurus a veritate recedere.

sisted by the renowned French jurist, Pierre le Chambrelain.* The verdict was expected by the end of June, for Margaret's reply promised to despatch the business as soon as the parties appeared, either in person or by their attorneys. But Louis IX., who was impartial towards the Earl as well as towards Henry, perceived that the dispute to be decided went far beyond certain money claims, and the publication of the bull at Winchester confirmed his opinion to certainty. Already on the 21st of April, he pronounced the statements of the two parties to be irreconcilable.† Soon afterwards, however, on the 20th of July, Henry, now admitting the political differences,‡ again solicited the queen's mediation. A little later the Earl of Leicester hastened privately to the French court, where he was known and esteemed, that he might there advance his own and his adherent's cause. A letter of the 2nd of September from Henry to Louis expressed the alarm awakened by this news,‖ and begged earnestly that

* Nos Henris, par la grace Deu rois Dangleterre, et nos Simon de Muntfort et Alienor, cuens et contesse de Leycestre. Now printed, Shirley, ii. 168. Also the letter to Louis of the 17th of March, p. 170, 171. Upon Pierre de Fontaines compare Histoire Littéraire de France, xix. 131 et sq.

† Green, Princesses, ii, 121; compare Shirley, ii. 173.

‡ Pro facto nos et barones nostros, et specialiter S. de M. comitem L. et Alienoram comitissam L., sororem nostram contingente; Rymer, i. 407. Also the Patent of the 5th of July, Shirley, ii. 176, which appoints Hugh Duke of Burgundy and Pierre le Chambrelain as mediators.

‖ Ob quam tamen causam, cum id de nostra conscientia non processerit, penitus ignoramus, Rymer, i. 409,

neither Simon nor others of his party might be admitted until the royal messengers arrived to explain the position of affairs to Louis. There were no immediate results, because at this time the prospects of the royalists in England certainly appeared to brighten. It was not till all amicable attempts to propitiate the fourteen Earls and Barons had signally failed, that a dread took possession of the King's soul lest Simon should contrive his ruin whilst at Paris, where he seems to have passed the winter. To his terror he learnt that the Barons were even seeking to influence the court of Rome,* as if they were still the rulers of England. He sent urgent commands to his procurators immediately to anticipate and counteract their attempts. On the 17th of May, 1262, Louis IX. himself communicated to him that, to his great regret, he saw no means of making peace for him,† whereupon Henry hastily prepared to go himself to France. His brother-in-law Louis had given him friendly aid in his pecuniary necessity, and shut his eyes to the proceedings of the Count of St. Pol and other French noblemen who were embarking their squires and soldiers for England to assist in the subjugation of his refractory subjects; Henry therefore hoped by his presence to secure at last

* Cum ... quidam de regno nostro agentes in curia Romana in nostri juris et honoris præjudicium diversa suggerere et contra nos impetrare præsumant et intendant, etc. May 26th 1262, to the procurators Hemingford and Lovel. Shirley, ii. 210.

† Ad præsens non invenire possumus aliquam viam pacis; Rymer, i. 416, and Champollion Figeac, Lettres, i. 135,

a favourable verdict, if not the open and permanent support of the French crown.

Other reasons urged him to set out speedily upon this journey. His heir, Prince Edward, who was strolling from one to another of the knightly courts of southern France and Burgundy, in the company of his two young cousins, Simon and Henry de Montfort, still appeared to shun his father and his policy of restoration. In July the entire English Court, including Edward and his brother Edmund, the Sicilian candidate, met in Paris, and concord was re-established in the bosom of the royal family; but an interview with the Earl of Leicester, proposed by Queen Margaret,* for the purpose of discharging the duty that she had undertaken, was prevented, on the one hand, by an obstinate fever which confined Henry to his bed at St. Germain, whilst Montfort, on his side, withdrew skilfully and craftily. The King's absence was to him a welcome summons to show himself in England, as it had been two years earlier. Moreover, his rival, Richard of Gloucester, had died on the 15th of July, and his son and heir, Earl Gilbert, prevented by his mother from taking an oath of allegiance to the King, had adopted the cause of the Barons.† Through the faults, the weakness, and the falsehood of the opposite party, Leicester's prospects, sufficiently gloomy hitherto, appeared to brighten once more. Henry

* Champollion Figeac, Lettres, i. 136; compare Green's Princesses, ii. 122.

† Instigante matre sua; Thos. Wykes, 140.

fully recognised the danger of this new move; and, as the Justiciary and Chancellor were governing the kingdom in his absence, he hastily notified them of the Earl's departure, that they might prepare to oppose his design; he announced to them also his own resolve to desist from these proceedings against Simon, since no progress could be made towards a conclusion of the compromise negotiated by the French Queen.* Nevertheless, he remained abroad until the 20th of December, fruitlessly endeavouring to obtain effectual support from the court of France. He sent for the crown jewels that he might deposit them with the Templars as pledge for an indispensable loan. Even after his return, he trusted that Louis would make terms in his favour with the Earl of Leicester, and that after all the troubles Simon had already brought upon the kingdom, the work that had been set on foot might not end in yet greater calamity.† Again, on the 5th of February, 1263, he wrote to Queen Margaret to stimulate her zeal, which was somewhat doubted even in France.‡ Then the unhappy prince fell as from the clouds; for, under the date of the 16th, his

* Quia compromissum nuper initum inter nos et comitem Leycestriæ coram Regina Franciæ non processit nec habemus in consilio per illam viam ulterius procedere contra eum, Oct. 8th. Rymer, i. 422.

† Henry to Louis, Jan. 18, 1263, through John de Chishull, Archdeacon of London, and Imbert of Montferrant. Shirley, ii. 234.

‡ Shirley, ii. 235, 239.

ambassadors informed him of a communication from King Louis, to the effect that he had conferred with the Earl of Leicester, who declared in reasonable terms that, though the King's intentions were of the best, there were those about him who had no desire for a pacification, and would even prefer that none should be concluded. The Earl, therefore, could not honourably enter into the agreement, and he had besought the French King to give himself at present no further trouble.*

No disappointment could have been more bitter if Henry really deceived himself with the hope of being thus rid of his worst enemy. Twice he had so far humiliated himself as to allow him to pass for his equal. Twice he had applied to a tribunal which well-nigh bore the character of a family council, and yet at the same time had to take cognisance of a question the national defenders of which could least of all recognise the King of France as supreme arbitrator. Louis' tardiness suggests the possibility that permanent disunion in the insular kingdom appeared desirable in his eyes. As Henry still did not venture to appeal to him in the political dispute likewise, he let both parties

* Idem comes prædictum dominum regem Franciæ rogavi quod, ad præsens, circa præmissa ulterius non laboravit. Repor of the ambassadors Chishull and Montferrant, Data Parisiis i crastino cinerum. This report is dated 1262 by Rymer, i. 41(and I followed his authority in Gesch. von England, iii. 74 Now, because of the dated letter of January 18th, which mentio the same messengers, it is referred to the following year. Shirley ii. 242.

go their own way without direct interference; but he gave the Earl a new pretext for defending the sinking cause of the English estates by all available means, especially by calling to its aid those popular forces which had long been aroused in its favour. Simon employed them with an incomparable boldness which was to make his name glorious then and in after ages.

CHAPTER IV.

THE CIVIL WAR AND MONTFORT'S PROTECTORATE.

ORGANS OF POPULAR OPINION—SIMON AT THE HEAD OF THE KNIGHTHOOD—MARCH TO LONDON—THE KING FORCED TO RECOGNISE THE PROVISIONS—TAKES UP ARMS IN VAIN—LOUIS IX. GIVES AN ARBITREMENT IN THE KING'S FAVOUR, AMIENS, JANUARY 23, 1264—CONCURRENCE OF THE POPE—OUTBREAK OF THE CIVIL WAR, HENRY III. IN OXFORD, SIMON IN NORTHAMPTON—LONDON ON THE SIDE OF SIMON—BATTLE OF LEWES, MAY 14—KING AND REALM IN THE POWER OF THE VICTORS—ADMINISTRATION OF THE EARL—CONCEPTIONS OF A CONSTITUTIONAL COMPACT.

The lower nobility, the lesser crown vassals of the [illegible] Anglo-Saxon gentry, Norman descent, as well as the Anglo[illegible] were much exasperated by the haughty neglect of the great Barons, and many of them, who had been trained in judicial and administrative offices, remained loyal to the crown. Among the great merchants of the City there was also a strong royalist party to which

belonged many an honourable alderman, such as Arnold, Thedmar's son, the author of some interesting memoirs on the contemporary history of the town. The heads of the clergy, at least, abstained as far as they were able from participation in the struggle. But the great body of knights, citizens, and clergy had long been eager to uproot the abuses which grew out of the union of monarchical and Papal absolutism, and were injurious to all alike. Even the peasant, the drudge of all, was beginning to listen to voices which proclaimed to the people through the mouth of skilful teachers the dawn of a better time. A great longing for an alleviation of their lot prevailed in all classes; the greed and tyranny in high places appeared as a common enemy,* against whom the day of revolt was the last breaking. The idea of remedying the evils of the time by a general and peaceful national measure struck deep root. The Franciscans, the mendicant friars in general, and the humbler secular clergy, had been the first to proclaim the need for moral regeneration and social reform. They were admitted to the courts of the great and the cottages of the poor; they carefully observed the course of events and awakened new and eager aspirations at the universities. Now certain organs of public opinion originated among

* Mundi status hodie multum variatur,
Semper in deterius misere mutatur;
Nam qui parcit nemini, quique plus lucratur,
Ille plus dilectus est et plus commendatur.
Wright, Political Songs, p. 47.

them, chiefly in the form of political rhymes—rough but popular—full of bitter satire, but no less full of sound and wholesome truth. The predominance of Latin betrayed the clerical pen. Popular staves in English were addressed to the ear of the multitude, who could not read, and yet began to concern themselves with public interests. The habits of study and discipline practised by the learned brotherhoods at Oxford were closely connected with the aspirations whence sprang those political theories that, some years earlier, had found expression at the same place in legal reform. The same popular pulse beat in the religious as in the political movement, and no man had greater share in either than Simon de Montfort. In proportion as he won the confidence of knights and citizens, of the middle classes, as we should say, he could the more easily assert that position of power and authority towards which violent ambition doubtless spurred him. Though itself without legal warrant it was in the eyes of many the sole remaining way of escape from the tyranny of an unlimited and faithless monarchy.

As early as the summer of 1261, when the committees of the estates were still struggling desperately with the King for the right to appoint sheriffs, the experiment had been tried of inviting three knights from every shire, representatives of the knighthood (Bachelleria), to the Barons' Parliament at St. Albans on the 21st of September.* Henry thwarted the project by forbidding

* Stubbs, Select Charters, 405; Const. Hist. ii. 85.

the counties south of the Trent to comply with the decree, and summoning the delegates of the knights to appear before him at Windsor instead.* This experiment came to an end when concord ceased among the Barons, and the King was apparently successful; now, when Henry's situation had again become critical it was not easy to revert to it. Such a course of action must first be initiated as would win back the confidence of the country, which the great nobles had repeatedly forfeited, and no man was able to do this but Leicester. He had to convince the people that the Provisions of Oxford had never been given up by their authors, and that they would redound to the advantage, not of an oligarchical confederacy, but of the whole community. For this purpose he chose a fortunate moment when he had been freed from his formidable rival by the death of the elder Gloucester, when, in consequence of the same event, the Prince of Wales had made another incursion upon the western marches, and when King Henry, having failed to shake Louis's impartiality, returned home more helpless and destitute than ever. The Earl's personal presence produced an exactly opposite effect to the King's. His ardent words and his talent for

* Cum ex parte episcopi Wygorniensis, comitum Leycestriae et Gloucestriæ, et quorundam aliorum procerum regni nostri vocati sunt tres milites de singulis comitatibus nostris, quod sint coram ipsis apud S. Albanum in instanti festo S. Matthæi apostoli, secum tractaturi super communibus negotiis regni nostri. Sept. 11th, 1261. Shirley, ii. 179.

organization reunited the scattered fragments of the party, and youths of knightly birth* above all looked up with enthusiasm to their hero when, at the beginning of 1263, he collected his forces and assumed the attitude of an independent commander about to interpose between Prince Edward and Prince Llewellyn of Wales. Edward had at last given heed to his father's reproaches, and left the festivities of the continent in order to defend the border districts conferred upon him. On behalf of himself, his son Henry, his cousin Peter de Montfort, and other knights and barons, Simon published a declaration on the 4th of March, under the seal of Bishop Walter of Worcester, to the effect that they would abstain from hostilities against the Prince until mid-Lent, and were ready to negotiate a friendly accommodation with him.† With reference to the Provisions, King Henry promised once more to accept a committee composed of Norfolk, Leicester, Hugh Bigod, and Philip Basset; but this again was merely a feint to gain time whilst his energetic son received oaths of allegiance in all the counties, and Henry imported as many foreign mercenaries as possible for his own army, whilst the ports were closed to those of the opposite party.

* Juniores Angliæ . . . tanquam cera liquescens ductiles ad quamlibet formam cum quibusdam baronibus, says Thos. Wykes, 134.

† Et alii barones *et milites* sibi adhærentes . . . quo magis inter ipsum et nos cum commoditate majori valeat tractari de pace. Shirley, ii. 245.

Then Earl Simon ventured publicly to take up arms. e ordered his forces to meet in Oxford at Whitsun- le, and here the English nobility gathered in yet eater numbers than in 1258. The Earl de Warenne d, at first, even Henry, Richard's son, did not absent emselves. As if the native chivalry could at last enge themselves upon the venal foreign instruments an insupportable despotism,* they pressed for- rd along the Welsh frontier from one fortified place another, chastised Bishop Peter of Hereford, a voyard of Aquabella, and drove away the foreign heriffs and governors of castles; who for the most part dhered to the King. Prince Edward could not march ainst them, for Simon left the Welsh prince un- cked, and succeeded in winning the sympathy of towns. Violence and plunder could not be avoided, adventurers rushed the more eagerly to join the y; it soon extended its avenging march across the nd to the eastern counties, and then turned threaten- ly towards the south, where lay the most important ngholds of the crown. The greatest enthusiasm the leader prevailed in the ranks. It was probably his time that some knight or noble composed the g which celebrated his name, 'The Strong Citadel,' ve all other because he loved the right and hated ng. The whole nation greeted him jubilantly ause he had imprisoned the Bishop "who would

* Indignati Angligenæ . . . ad expellendum alienigenas . . . animo properabant. Ann. de Burton, p. 500.

have devoured all English people. Therefore he shou
have lordship."*

Simon encamped his army at Dover, whence
could best command the Channel, and in June he se
a writ under his seal to the citizens of London, by th
hand of the knight Roger Clifford. He thereb
invited them to proclaim the Provisions of Oxfor
which had been issued to promote the glory of Go
loyalty to the King, and the weal of the whole realm.
In a tumultuous popular assembly the citizens se
aside the hesitation of royalist aldermen of the ruling
families, and vehemently cheered their Mayor, Thomas
Fitz-Thomas, when he proposed to comply with th
Earl's request. Again the King's cause was ruine
He had shut himself up in the Tower with his fa
and court when an accommodation was propose

* Il est apelé de Monfort,
Il est el mond et si est fort,
Si ad grant chevalerie;
Ce voir, et je m'acort,
Il eime dreit, et het le tort,
Si avera la mestrie.

El mond est verément,
Là ou la comun à ly concent
De la terre loée;
C'est ly quens de Leycestre,
Que baut et joius se puet estre
De cele renomée.

Wright, Political Songs, p. 61.

† Liber de Antiq. Leg. 54, statuta facta ad honorem Dei, fidem Domini regis, et ad utilitatem totius regni.

him from various quarters. On the 29th of June the Bishop of Winchester addressed the King's Chancellor, Walter of Merton, with an urgent request that he would help in promoting the peace of the kingdom. On the same day King Richard was negotiating with the army, which in the meantime had taken up a position on the Thames above London. At court he urgently advised that some restraint should be put upon his nephew Edward, who had violently broken into the Temple and taken £1000 from the treasure chest.* But, on the following day, Richard announced that the Earl had eluded a conference, and withdrawn between Reading and Guildford,† evidently in order that the pressure of the capital might work with greater effect. He was not mistaken, for in a few days the unchained fury of the populace forced the most hated of all the counsellors, John Mansell, to a precipitate flight down the Thames and across the Channel. Through all changes he had been the soul of the resistance at court, and innumerable benefices had been sacrificed to his greed. Henry, son of the King of the Romans, pursued him, and was taken prisoner by a French nobleman, whereupon his father threatened to make terms independently with the Barons, unless the King would consent to negotiate,

* Two letters of Richard's, Rymer, i. 427. The second also Shirley, ii. 247. Compare Ann. de Dunst., 222.

† Shirley, ii. 248. On the 16th a royal safe conduct had been despatched for Simon. Rot. Lit. Pat. 47 Henr. III. membr. 8.

and himself guarantee Henry's release.* The King immediately gave his word, with his usual intention of disregarding it. Meanwhile, Edward, with some faithful troops, had succeeded in seizing the royal fortress of Windsor, and his mother, Queen Eleanor, intended to join him by water. Her strength of will was much greater than her husband's, and precisely for that reason, and on account of her Provençal and Savoyard kinsfolk who had taken up their abode in the country, she was the special object of popular hatred. On the 13th of July, as she sailed through London Bridge, the people compelled her to turn back by scornful abuse and actual violence.

The Earl of Leicester had waited for such events as these, and on the 15th he entered the capital at the head of his army, like a conqueror, amid shouts of rejoicing and ringing of bells. The gates of the Tower were opened to him now, and the King, reduced to submit to his will, again assented to the humiliating Provisions. Delegates elected by the two parties were to consult together as to what must be added to the Provisions, and what taken away, for the good of the sovereign and the kingdom.† It was a significant fact

* Richard from Berkhamstead, July 10th; Rymer, i. 427. The King from the Tower, also July 10th; Rot. Lit. Pat. 47 Henr. III. membr. 7.

† Ita quod per quosdam electos ad hoc statuta Oxoniae per dicta eorum deberent augmentari vel diminni, prout utilitati regis et regni expediret. Ann. de Dunst. 224. A royal order of the 18th commands Edward to deliver up the Castle of Dover

that the servants of the Church, the Bishops of London, Lincoln, Coventry and Lichfield, as well as Worcester, used their influence in furtherance of this agreement. When Prince Edward had hastened from Windsor towards the Welsh border, and narrowly escaped capture by the citizens of Bristol, Worcester even induced him, though in extreme ill-humour, to turn back to London. There, in St. Paul's church, on the 9th of September, the spiritual and temporal peers assembled in Parliament, swore to recognise the constitution which the conquerors proposed. The King once more took up his residence in Westminster, after he had dismissed his officers, and again confirmed Nicolas of Ely and Hugh Despenser as Chancellor and Great Justiciary; but Simon de Montfort actually governed the kingdom in his name.*

Nevertheless, his success was as insecure and as short lived as it had been five years earlier, and he was compelled to yield still oftener to the opposition of others. The nobility of Northern England did not give him their support, but rather invited the King to throw himself into their arms. Prince Edward, who had wildly attempted much more than he was

the Bishop of London. The opening words are, Quia pax inter nos et barones nostros reformata est et firmata. Rymer, l. c.

* The great seal was delivered up to Nicolas of Ely on the 19th of July at Westminster in præsentia S. de Montefforti Comitis Leicestriæ et aliorum Magnatum Angliæ. Rot. Lit. Claus. 47 Henr. III. membr. 6. For the proofs of these events, see Gesch. v. England, iii. 749, and Stubbs, Const. Hist. ii. 86, 87.

able to accomplish, only acquiesced in his fate under compulsion, and became almost immediately the rallying point for many knights and barons who, ill-pleased by the recent violent changes and the imperious and illegal position of him whom they had placed at the head of affairs,* already contemplated another revolution. Even of those who had made themselves prominent by their vehemence in the persecution of aliens, some now deserted, as Leiburne, Vaux, and Bigod. The restless Henry, King Richard's son, who after his return from the French coast had been commissioned, with some others of these nobles, to pledge Edward to observe the Statutes,† presently declared to Leicester that he should never again draw his sword against the two Kings, his father and uncle, against his blood relations. He requested his dismission, promising at the same time not to appear in arms against the Earl, who replied: "Your sword troubles me not, Lord Henry, but your instability. Go, therefore, and come again with thy weapons, for surely do not fear them.‡

Under these circumstances King Henry meditated another meeting with Louis IX., a project which he could not have entertained if it had been possible

* Comes quippe Leicestriæ omni pœne nobilium regi caterva subnixus erexit sibi cornua superbiæ, moliendo grandia cogitando sublimia, nec permisit ejus improbitas quod aliquatenus flecteretur ad pacem, writes the royalist Thos. Wykes, p. 136.

† Rymer, i. 430.

‡ Rishanger, Chronica, 13, ed. Riley.

him who had assumed the direction of the government to prevent the journey. Although when the royal family were formally invited to Boulogne, the Barons caused the King to swear that after a brief conference he would return with all speed, and although he himself requested the Earl to accompany him,* even Simon's presence could not prevent an attack upon his authority being concerted at the instigation of the Queen. She remained behind in France, whilst Henry, immediately after his punctual return home, began to disturb the peace that he had been compelled to conclude by demanding a compensation for the dispossessed foreigners, and dismissing the counsellors who had been forced upon him. The breach was then soon complete. At the beginning of December the father and son found themselves so far prepared, that they could march suddenly from Windsor against Dover, and, after an attack upon this most important key of the kingdom had failed, attempt by a bold and rapid movement to regain possession of the capital. Being in correspondence with four prominent burgesses, they had chosen the moment when Simon was absent at Kenilworth Castle, the defence of which, after it was well fortified and provisioned, he had intrusted to his wife.† He

* Henry to Louis, Aug. 16th, barones nostri ex certis causis volunt securitatem sibi præstari de reditu nostro festino; Rymer, i. 429. Henry to Simon, Sept. 16th, invitation to be in Boulogne on the 23rd; Shirley, ii. 249.

† Green, Princesses, ii. 124.

narrowly escaped capture by the enemy in Southwark as he hastened back, but the Londoners voluntarily opened the gate of their bridge to him and stifled the disaffection which was striving to make itself felt in their midst. The King now commanded them in vain to expel the Earls of Leicester and Derby (Robert de Ferrers), with their troops, from the town.*

Thus violence and treachery, defiance and cowardice, were again matched against one another. Though agitated and excited, the liegemen of England still did not venture to wreak their fury upon their own flesh and blood, but at the same time they and the crown were equally unable to devise for themselves any expedient whereby to secure peace. Now, at last, Louis IX. declared himself ready to bring the affair in its entire compass under the consideration of his tribunal. Probably the last royalist rising had been intended to prepare the way for this arrangement, and the meeting at Boulogne had laid the basis.† On Sunday, the 16th of December, Henry III., Prince Edward and their adherents, declared from

* Quatinus . . . ad perturbationem predicti regni nostri cum equis et armis commorantes visis litteris istis sine dilatione aliqua amoveatis ab eadem, Dec. 8th. Now printed, Shirley, ii. 250.

† Archbishop Boniface, the Queen's uncle, was also in Paris in sermonibus publicis tam apud Prædicatores quam apud Minores regis Angliæ comitis que Leicestriæ processus gestaque declaravit. Nicolai Trivet. Annales, 254 (Engl. Hist. Society).

Windsor that, if the verdict upon the Provisions of Oxford and all contested points arising thence were given before Whitsuntide, they would accept unconditionally the decision of the French King. Leicester and his party had been obliged to execute a deed of similar purport on the 13th.* From these documents the inconstancy of the individual Barons and the groups they formed, are more evident than before. To the King adhered, besides his son and nephew, the heads of the most noble houses, as the Earls of Norfolk, Warenne, and Hereford, William of Valence, who was not to be driven away, and twenty-six others; amongst them the northern Barons, Percy, Nevil, Vaux, Marmion, Bruce, and Baliol, but also Bigod, Basset, Leiburne, and many another who had once declared himself a supporter of the Statutes of Oxford. With Simon, on the other hand, besides the Bishops of London and Worcester, were the Great Justiciary Despenser, two young Montforts, the cousin Peter, and seventeen more. The list included such names as Humphrey de Bohun, the heir of Hereford and Essex, Basset, Ross, Grey, Vescy, Lascy, and Vipont. Younger sons predominated in this company, and natives of the southern part of the island.†

* Super provisionibus, ordinationibus, statutis et obligationibus omnibus Oxoniensibus, et super omnibus contentionibus et discordiis quas habemus et habuimus usque ad festum Omnium Sanctorum. The deeds, Rymer, i. 433, 434; and Shirley, ii. 251.

† See the references in Stubbs, Const. Hist. ii. 87, 88.

Immediately after Christmas the King and his son, with a numerous following, repaired to Amiens, the place named in the writs. Earl Simon had likewise started from Kenilworth and reached Catesby in Northamptonshire, but there he broke his thigh bone by a fall from his horse, and was thus compelled to remain at home. On the 31st December, Humphrey de Bohun the younger, Henry and Peter de Montfort, Adam of Newmarket, William Marshall, William le Blond, and three clerks experienced in affairs, were deputed to represent his cause.* Louis heard the advocates on both sides, and on the 23rd of January, 1264, he solemnly and formally delivered his judgment, the so-called Misa of Amiens. He cancelled the Provisions, already declared null and void by the Pope, with all constitutional law that might be deduced from them, because they were derogatory to the power and dignity of the crown, and had caused dissension in the kingdom, spoliation of the Church, and great injury to all private persons, whether lay or clerical, native or foreign. The observance of them, or even continued legislation based upon them, was forbidden, and all covenants that the King had been forced to make were repealed. Louis further ruled that all fortresses must be restored to Henry without any pledge or security, and

* Ann. de Dunst. 227, and Simon's credential from the Paris archives printed in the Chronicle published by Halliwell under the name of Rishanger (the Chronicle of William de Rishanger of the Barons' War, Camden Society, 1840), p. 122.

absolute liberty accorded him to choose either alien or native ministers for all offices whether high or low, and to appoint and dismiss them at will. No guarantees remained against the complete restoration of the monarch's personal authority, except that the charters and franchises granted before 1258 were left untouched by the Misa, and an amnesty was promised for all that had occurred since that date.*

All contemporaries must have foreseen that the verdict of St. Louis, of him who had augmented his own kingdom and was regarded as the glory and ornament of monarchy, would surely be favourable to unlimited sovereignty. Moreover, as Henry's brother-in-law, he could not be an impartial judge. But did the Barons really entertain the hope that he would decide in their favour? Was their acquiescence in this transaction merely apparent? Or was there not incitement to renewed resistance in the sentence which annihilated their work? The application made by Henry to an alien King was practically an indirect petition for help, and brought more disgrace upon him in the eyes of the nation than they, the representatives of national independence, could incur by refusing to accept this foreign decision. And if they yielded all other points and again trusted to their ancient privileges, the unconditional return of insatiable foreign parasites would be a transgression

* The judgment in Rymer, i. 433, Stubbs, Select Charters, 406, also in the Paris archives and in a communication to the City of London in the Liber de Antiq. Leg. 59.

against the law of nature, and no arbitrator in the world could insist upon it. Not only was the national party incensed by so unreasonable a demand; the royalists in England themselves called it hasty and imprudent.* The many voices which did hômage to the popular cause attributed the blame, according to the rumour of the day, sometimes to the two Queens of England and France, sometimes to direct bribes to which Louis had yielded.† There were even distant hints at his secret wish to sow the seeds of new and disastrous strife.

If he really allowed himself to be bought, it was for a prize situated in a totally different place, and not only costing the King of England nothing, but even greatly relieving his embarrassments. On the 28th of July, 1263,‡ Pope Urban IV. had released Henry from all obligations undertaken by him on account of the Sicilian crown promised to his son Edmund, and at the same time he cast his eye upon Louis's brother, Count Charles of Anjou, as the fittest person to overthrow the last offshoots of the Hohenstaufen family. The Misa of Amiens declared expressly that the Holy Father was ever the supreme arbitrator of the fate of

* Forte minus sapienter et inutiliter quam deceret eructatione si quidem improvisa suum præcipitavit arbitrium. Th. Wykes, 139.

† O rex Francorum, multorum causa dolorum.
Judex non rectus ideo fis jure rejectus.

M.S. Cott. Otho D. viii. quoted by Blaauw. The Barons' War, 1844, p. 98.

‡ Rymer, i. 428.

kingdoms. His jurisdiction extended over the Norman State of the north, where the devout King must be protected against the eager desires of his subjects for parliamentary government, and over that of the south, where an unruly and ever accursed race of princes was to be expelled. As neighbour and suzerain the French King had always a word to interpose in the constitutional struggle, and his real power was great enough to restrain the two parties from open and bloody war up to this date. But the decision in the last instance lay with Urban. Quite in accordance with the tactics of his predecessor, who had justified Henry III.'s first perjury in anticipation, and in some measure as preliminary to the repeal of the Oxford articles by the King of France, Urban had during the summer of 1263 repeatedly reminded the English that all which they attained by conspiracy was as tares sown by the Evil one, and therefore long ago condemned by the Holy See. On the 27th of November, as arranged in a diplomatic agreement, he issued a mandate for the preaching of a crusade against the English rebels, and wrote threateningly to the Earl of Leicester, "the ringleader of the revolt, who had so basely degenerated from the example of his illustrious forefathers, the zealous promoters of a righteous peace."* The same messenger carried the tidings that Guido, the Cardinal Bishop of

* Primus inter actores turbationis hujusmodi . . . nam cum tui progenitores sicut de ipsis habet fama laudabilis pacis zelatores extiterunt . . . . immo dampnabiliter degenerare videris ab illis. Urbani. IV. Epp. iii. 188, 199, according to the copies in MS. Add. Mus. Brit. 15,361. Also Raynaldi a. iii. § 83, 84.

Sabina, one of the most redoubtable representatives o
Papal policy, was about to arrive as Legate. The ver
dict of Amiens was officially confirmed at Rome in th
middle of March, almost immediately it was known.
It is easy to see how all the circumstances dove-taile
together, and France and the Court of Rome, as allies
of the English crown, believed that they could cop
with the constitutional pretensions of the estates, which
threatened to be inconvenient to all three.

King Henry did not venture to land in England until the 15th of February, when he knew that the Cardinal-Legate was on his way, and after he had received considerable pecuniary assistance from Louis. He learnt with great uneasiness that though some of his adversaries had laid down their arms, terrified by the rigour of the sentence, others now first felt themselves bound to maintain the Provisions of Oxford, because all earlier franchises, especially the Magna Charta, were confirmed by the Misa of Amiens, and the Provisions were simply the natural outgrowth of these.

The Earl of Leicester said, and his words circulated far and wide, that he and his four sons would stand firm although he had never found in strange lands, among Christians or heathen, such faithlessness and treachery as here in England.† On the Welsh border, where

* The Acts of the Curia in this affair collected in my Geschichte von England, iii. 758, 759.

† The Chronicle ascribed by Halliwell to Rishanger, p. 17, 18.

he Montforts now openly allied themselves with Prince lewellyn, disorders had broken out, so that, as early s the 4th of February, the royal sheriffs in Worcester, tafford, and Shropshire were ordered to destroy all ridges over the Severn, with the single exception of hat at Gloucester.* When the King returned from rance, the Earl of Leicester, his family and retainers, ad already taken up arms and secured the most import- nt passages across the river. Early in March Prince dward hurried to oppose them, and fought valiantly or the possession of Gloucester; on the 13th he with- drew in order to effect a junction with his father at Oxford.

The choice of this city, where Henry summoned the baronage of the realm to meet in Parliament, and which also offered a convenient pivot for his military operations in the civil war, was peculiarly significant in contrast to the events which had taken place there ix years earlier. But one serious difficulty re- uired first to be removed, the temper of the uni- ersity, by which the Barons had doubtless profited at hat time. The new spirit had been planted by the nergy of the friars, Franciscans and Dominicans. t was devoted to practical social reform, and imbued with their doctrine of a stern religious need for change of nature. The thoughts freely interchanged among such men as Grosseteste, Marsh, and Montfort, rising to the highest questions in Church and State, struck deep root. Just at the middle of the century the

* Shirley, ii. 254.

place attained for the first time the dignity of a national school. Students, eager for knowledge, from the opulent classes in all parts of the kingdom crowded thither to be trained in the sober but popular scholasticism of the Minorites.* The projects and ideas which had inspired their fathers found a still more vehement acceptance among the younger generation. The wandering scholars, infected by the universal spirit of violence, were engaged in a furious fight with the citizens at the time when Prince Edward marched past on his way to Gloucester.† Probably this was the immediate reason of a stringent order issued by the King to the Chancellor and University on the 12th of March, as soon as he arrived at Woodstock. He desired to meet the estates at Oxford upon most solemn business of State, but among them would be many unruly fighting men, probably the Barons expected from the Scotch border, and therefore the scholars were commanded to leave the town and repair for a while to their homes, all their rights being assured to them.‡ The true reason, the fear of the

* See in general my Tübingen Programme of 1864, p. 21, and an excellent passage in J. R. Green's 'Short History of the English People,' 144.

† A. Wood, Hist. et Antiq. Oxon., p. 111.

‡ Nos attendentes quod sine gravissimo periculo ibidem morari non possetis, maxime cum in tanta congregacione multi indomiti quorum serviciam de facili reprimere non possemus ibidem fuerint accessuri, vobis mandamus firmiter injungentes, quatinus ad pacem et tranquillitatem vestram salvandam a dicta villa ad propria sine dilacione divertatis. Rymer, i. 435.

reat number of able-bodied students and their re-ellious temper, was suppressed. A contemporary eckoned their number at 15,000.* The error of riving away such multitudes into the arms of the nemies of the crown, could not fail to work its own unishment.

At Oxford and at Brackley, a few miles to the north-east, where the Earl of Leicester was encamped with his followers, brief but active negotiations seem to have been carried on once more, through the mediation of the clergy and a French ambassador. According to one positive statement, the nobility promised to acquiesce in the Amiens sentence if the King would give up the article in favour of aliens. The terms were even drawn up, stipulating that, among all his countrymen, none should be permitted to return except Boniface, the Archbishop of Canterbury.† But the King's evil counsellors induced him to withdraw this concession, and on the 20th of March, the last day on which he issued safe conducts to the opposite party, he summoned the long prepared troops

* Erat enim clericorum numerus, quorum nomina scripta fuerunt in matriculis rectorum, excedens XVM. Rishanger, ed. Halliwell, p. 22.

† Copy of a record by the town clerk of London in MS. Mus. Brit. Add. 5444, fol. 66^{b}.: quod saltem unicum et solum remittat articulum, viz., quod alienigenis ab Anglia remotis per indigenas gubernetur, et omnibus statutis provisionibus et ordinationibus regis Franciæ aquiescat. Also the agreement concerning the Archbishop in præsentia illustris regis Angliæ, de consilio procerum et magnatum ejusdem regni. Rymer, i. 438.

to appear under arms on the 30th, because a serious contest threatened danger to crown and kingdom.* A few days later the army marched from Oxford to Northampton, where Simon's men had withdrawn behind the walls. On the 5th of April, Edward ordered an assault and succeeded in entering the town through the treachery of the French Prior of St. Andrew's monastery, the Barons and the band of students, who fought under their own banner,† making an heroic but fruitless resistance. The young Simon de Montfort was taken prisoner, with fifteen bannerets and forty knights, whilst his father escaped with the rest from the pursuit of the royal army, turning first towards the east and afterwards towards the south.

But this disaster was more than counter-balanced elsewhere. In the city of London every measure tending towards submission was rejected, the party of progress, the *Bacheleria*,‡ had unquestionably the upper hand, and the numerous inhabitants took up arms under their own constable and marshal. Here Hugh Despenser still ruled as Great Justiciary, doubtless in concert with the Earl of Leicester. On

* Four documents, Rymer, i. 436, 437 ; March 13, 18, 20. In the last are the words: Cum jam in regno nostro gravissima turbacio sit suborta, ex qua periculum regni et corone Anglie, quod absit, de facili possit imminere.

† Walter de Hemingburgh, i. 311 (ed. Engl. Hist. Soc.) habebant enim vexillum per se et in sublime contra regem erectum.

‡ Innumera multitudo ribaldorum quos bachilarios vocitabant. Thos. Wykes, 138.

the 31st of March, the great bell of St. Paul's rang an alarum, and the populace poured out to devastate King Richard's magnificent parks at Isleworth, and the neighbouring estates of William of Valence, Walter of Merton, and Philip Basset. Within the city they fell upon the Jews, and searched for their stores of money deposited in the Temple. A nobleman who had slain the wealthy Kok Abrahamson offered half the plunder to the Earl of Leicester. The people also laid hands upon the officers of the royal courts at Westminster.* The insurrection and the acts of devastating violence went on under Simon's eyes, for by Palm Sunday (the 12th of April), he had advanced as far as St. Albans, summoned thither by the preparations which the enemy were already making to cut him off from the coast.

From Oxford a detachment had marched upon Rochester, led by the Earl of Warenne, who had recently become once more an ardent royalist. On the 19th Simon stormed and took the town, but the old castle, built by Bishop Gundulf, the Conqueror's great architect, resisted all his siege appliances. The Easter season closed; then tidings arrived that Prince Edward, who had hitherto occupied strong quarters in Leicester and Nottingham, the domains of Montfort and Derby, was now completely in accord with the Barons of the Scotch border, and was leading forward the King's main army by forced marches. The Londoners urged the Earl of Leicester to return for the defence of their city on the 26th. Rochester

Thos. Wykes, 140–143. Lib. de Antiq. Leg. 61, 62.

must therefore be given up, and under these circumstances the King thought to make himself master of the Cinque Ports, Sandwich, Dover, Winchelsea, Romney, and Hythe. But the inhabitants, endowed from time immemorial with certain baronial rights for coast defence and navigation, proved no less defiant than the Londoners. They manned their ships and put to sea, that they might not be employed in a voyage up the Thames against the capital. The people of Kent and Surrey showed themselves altogether unfriendly; provisions were soon unattainable, so that horse and man must starve.

At length the King led his army into Sussex, and on Sunday, the 11th of May, he fixed his head-quarters at the Priory of Lewes, a noble position where the Ouse broadens into an arm of the sea. As an offshoot of Cluny, the community was well inclined towards foreign connections, and as a Benedictine foundation, thoroughly royalist in sympathy.

All attempts upon London had meanwhile been suspended. The riches of the capital even then promised success to the cause it espoused, and for many years the system of arbitrary amercements by the crown, the innumerable discourtesies of the court and its followers towards the citizens, and the complete indifference of the government to the interests of the flourishing transmarine commerce, had fostered resentment and ill-will. For these and other reasons the citizens regarded the cause of the Barons as their own, and looked upon the Earl of Leicester as the states-

man and popular hero who would unite the military and commercial classes, and lead them to victory.

After agreeing with the nobles and citizens to offer peace once more upon condition that the Statutes of Oxford were accepted, Leicester, on the 6th of May, marched southward at the head of his troops, to whom a strong band of some 15,000 Londoners had now joined themselves.* On the 12th of May, they encamped upon a woody ridge a few miles above Lewes, near the village of Fletching. A brief and courteous letter to the King, under the seal of the Earls of Leicester and Gloucester, besought him to give up certain counsellors, his enemies and theirs. It was conveyed by the Bishops of London and Worcester to the monastery, where they also discharged their special oral commission. But Edward was eager for war, and, in this case, King Richard also. They would listen to no terms, although £30,000, even 50,000 marks to the King of the Romans personally, are said to have been offered as compensation for the devastation and destruction of property.† They persuaded the King to declare that Simon de Montfort and Gilbert de Clare were his enemies—with-

* Rishanger, ed. Halliwell, p. 27. Lib. de Antiq. Leg. 62.

† This is the subject of the ballad, or rather satire, which has been so often printed, the oldest in the English language:

The Kyng of Alemaigne, bi mi leauté
Thritti thousend pound askede he
For to make the pees in the countrée.

Percy, Reliques of Ancient English Poetry, ed. 1840, p. 90. Wright, Political Songs, p. 69.

out, even deigning to give them the title of Earl—because they and their confederates had brought war and rebellion into the land, and henceforth he cared nothing for their safety and friendship. In a separate written declaration, Richard and Edward, the lords, and knights, on their side, took upon themselves the responsibility of advising the King, and offered to prove their own loyalty, and the treachery of the opposite party before the royal court of justice.* After this full renunciation of obedience and esteem, the two armies made ready on the 13th for battle.

The bloodless strife of words was at an end, and there remained no appeal but to the sword. Among the patriots all were inspired by one sentiment, one faith, one will, and by love to God and their fellow-men† which robbed death for their country of all terror. Every one relied with implicit confidence upon Simon's energy, and the military genius‡ of which he had once

* These three letters are not found in the rolls of chancery, the keeping of which was much disturbed by the war, but they are preserved in most of the annals of the time. First printed from the continuations of Matthew Paris. Rymer, i. 440. See Gesch. von England, iii. 766, 768—notes.

† Per omnia una fides, una voluntas fuit, amor et Dei et proximi. Rishanger, ed. Halliwell, p. 34.

‡ Tum propter ejus constantiam, tum propter belli notitiam. Tantus erat ei ardor finem malis imponere, ut mallet ultima experiri, quam regni calamitatem ulterius protendi. Opus chronicorum, ed. Riley (Rerr. Brit. med. ævi S.S. 1866), p. 10, a newly published record, also written at St. Albans, which was used in both versions of the continuation of Matth. Paris going under Rishanger's name.

given glorious proof in Gascony. First of all he commended the event to Heaven, spending the night in prayer, as was his father's habit, and as his unforgotten friends and spiritual counsellors would have enjoined. The good Bishop Walter of Worcester, steadfast and like-minded, went from tent to tent along the ranks receiving confessions, pronouncing absolution, and dispensing the sacrament. The white cross worn by each man on breast and shoulder was the symbol of a holy conflict. The enterprises against unbelievers in distant lands, in which the general had once taken part, were not yet discontinued. Like their fathers in 1215, the English gathered together as an "army of the Lord" against the same oppressors.

With the first grey of morning, on Wednesday, the 14th of May, the Earl rose and drew up his host on the edge of the woody height overlooking the castle, town, and priory of Lewes, and the noble river. In the centre stood a chariot once used by Simon on account of the bone fracture, from which he had still scarcely recovered. According to the usage of the time it now carried the great standard, and chained within it were those four London burgesses who, in the previous November, had designed to deliver up Simon to the King at Southwark. All around, under a strong guard, was a rampart formed of various kinds of carriages, and the hosts destined for the onslaught stood closely massed on the two wings. Just as the sun rose out of the ocean, Simon bent his knee and offered the last prayer, the whole army following his

example. The Earl dubbed Gilbert of Glouçester knight, with two other youths, Robert de Vere, Earl of Oxford, and John de Burgh; then with faces turned eastward, they marched in steadfast order out of the wood and down the valley towards Lewes.*

The royalists who had spent the night merrily, after the fashion of cavaliers, in wine and song, and even, in spite of their clerical quarters, in the arms of women,† were taken wholly by surprise when the announcement of their sentinels called them from their beds to battle. The attack was received almost under the walls of the town by a foraging party who had put to horse early in the morning. But arms and armour were rapidly donned, and the men ranged themselves in rank and file under the escutcheons of their leaders. As soon as the ancient standard of the Kings of England, the British dragon, fluttered high in the air, the army, full of chivalrous courage, advanced to the assault in three

* The principal authority is the description of the battle, doubtless derived from an eye-witness, in Rishanger, ed. Halliwell, p. 31 *et seq.*; also information from the manuscript chronicle of Rochester, ibid. p. 130, and Rishanger, ed. Riley, p. 25-26.

† Generally Thos. Wykes, p. 150. At illi stupefacti perpropere surgentes . . . exeuntes in occursum multitudinis tam profanæ. According to the popular description of the time, Political Songs, p. 80:

Qui carnis luxuria fœda sorduerunt,
Factis lupanaribus robur minuerunt,
Unde militaribus indigni fuerunt.

Likewise Chronicon de Mailros, ed. Stevenson, p. 193, noctem illam coreis et cantilenis occupans, potacionibus et scortacionibus insistebat; adding, protestante mihi uno nobili qui ibi fuerat.

divisions, commanded severally by Prince Edward, the King of the Romans, and Henry himself. The Earl of Leicester had barely time to take up another position which his keen eye saw to be necessary from the nature of the ground. Three valiant young noblemen, Hastings, Segrave, and Borham, were commissioned to lead the scarcely disciplined London bands, and force the way from the north straight to the castle walls; the second division was commanded by Gilbert of Gloucester, and the third, at his right, by the two young Montfort's, Henry and Guy. Their father remained in the rear guard and directed the whole.

Full of wild impetuosity and bitter anger, Edward dashed forward to attack the citizens who had insulted his mother, chased them into the water on the right and up the hill to the left, and himself reached the spot where the standard was raised, slaying the guard, together with the four unfortunate prisoners. He kept up the pursuit and slaughter for hours, and believed that he had already defeated the flower of the enemy's army and their commander himself, whilst, in fact, Leicester, without paying great heed to the citizens, was causing his better equipped divisions to advance against the two kings. After a long resistance their ranks were completely broken. Those who were not slain in the fight sought to save their lives as best they might, some in the sanctuary of the Priory, others by surrendering on the battle-field to the victors. Warenne, Valence, Guy of Lusignan, Hugh Bigod, and three hundred horsemen, fought their way through to

Pevensey, and then set sail for the French coast. King Henry, whose horse had been killed under him, delivered up his sword to the Earl of Gloucester; even his brother Richard, after seeking refuge in a mill which had served as a post of observation and support during the fight, descended as a prisoner amid scorn and derision.* Many nobles were obliged to surrender, as the Earls of Hereford and Arundel, Philip Basset, Henry Percy, and the Barons of the Scotch lowlands, Bruce, Baliol, and Comyn. Only two noblemen of rank were slain on each side, and altogether about 5000. servants and soldiers. It was evening when the Prince and his cousin Henry returned, weary and unsuspecting, after they had, in the intoxication of victory, pursued the scattered citizens far into the country. In his first consternation on learning the events of the day, Edward proposed to throw himself into the castle, where the garrison still held out. They capitulated on the following day, and the Prince then resolved to share the fate of his house, and surrendered to the conqueror.†

* Motus est exercitus baronum versus quoddam molendinum circa Lewes. MS. Mus. Brit. Add. 5444, fol. 68b. For full details, Chron. de Mailros, 196, and the English ballad:

The Kyng of Alemaigne wende do ful wel,
He saisede the mulne for a castel,
With hare sharpe swerdes he grounde the stel,
He wende that the sailes were mangonel
To helpe Wyndesore.

† The sources of information upon the battle of Lewes, to a great extent supplementing and corroborating one another are, in order of importance: Thos. Wykes, 149,–152; the two record

England had never yet seen such a conflict between the King and his subjects, between the nearest kindred, and people of one tongue and and one faith. A sacred although joyous thankfulness spread far and wide through the land, for the people, believing that one decisive event had freed them from insupportable oppression, hoped to reap a happy harvest from the seed of native blood. With a smaller force Simon had defeated the better equipped army of the enemy, and his enthusiastic national adherents celebrated his praise in almost Puritan spirit as a Moses who had rescued the people of Israel from Egyptian tribulation, as a Gideon or Matathias. Next to God they gave glory to him and his valiant sons; he was called the corner stone of English freedom.*

The ordeal of battle had decided against the King, who had persisted in governing by his own absolute authority, or in dependence upon unconstitutional favourites.† Now, he and his family and adherents

attributed to Rishanger; the Ann. Waverleienses, p. 356, 357, of the new edition; the Chronicon de Mailros, 392 *et seq.* ed. Stevenson, derived from the report of a Scot who was present. The greatest number of topographical and genealogical details are given by Blaauw in a work which is extremely serviceable, in spite of critical deficiencies, The Barons' War, including the Battles of Lewes and Evesham, 1844, p. 143–189.

* Fides et fidelitas Symonis solius
Fit pacis integritas Angliæ totius.

Wright, Political Songs, p. 85, the longest and most significant of these songs, composed in the same year.

† The following official note to a decree, having reference to the

were in the power of men to whom, after a series of fruitless experiments, no other resource remained than to use force in dealing with him. The idea of abolishing royalty in this State, once founded by the strong hand of a King, did not occur to them. But when the Sovereign accepted, under compulsion, a constitution drawn up by his vassals, did he retain more than a shadow of that dignity which had once bound together State and people in one whole? Could this new constitutional and parliamentary régime be attained by no other means than by harshness and injury to the one, under whose oppression the many had so long groaned?

Montfort had scarcely put an end to the excesses which followed the victory, when the more arduous work of the statesman and ruler commenced. His first steps were altogether sagacious and well-considered. Several Franciscans and monks of the priory went busily to and fro between friends and enemies, in order to prevent further blood-shedding. The King's first proclamation commanded the garrison to lay down their arms, because peace was concluded between him and the Barons,* and a preliminary compromise, the Misa of Lewes, was meanwhile negotiated. The docu-

French subsidies, and dated from Lewes on the 14th of May, the day of the battle, is a convincing proof that all regular government was at an end: Et sciendum quod magister Arnulphus, cancellarius regis Alemanniæ, dictavit et scripsit manibus propriis litteram supradictam, sine consilio et assensu alicujus clerici de cancellaria; et consignata fuit coram consilio Domini Regis apud Lewes die supradicto. Rymer, i. 440.

* Rot. Lit. Pat. 48 Henr. III. membr. 13: quia pax inter regem et barones formata est.

ment, in seven articles, was afterwards suppressed, like many more of that unquiet time; but statements of its contents are not entirely wanting. It breathed a spirit of moderation, not holding the King accountable, but aiming to make him compliant, and even submissive. It showed that a desire still existed for a higher court of arbitration, to be composed, since King Louis's efforts had proved abortive, of French and English bishops and peers, with the addition of the new Papal Legate. The Provisions of Oxford were regarded as the public law of the land; they might indeed be altered, but only after general discussion.* On the other hand, the exclusion of foreigners from domestic offices and the King's council, and strict frugality in the finances of the royal household, were demands from which no abatement could be made. The terms included a mutual amnesty and exchange of prisoners; those of Northampton in return for those of Lewes; ransoms were forbidden as inadmissible in a war between fellow-countrymen. Until the terms were fulfilled, the Princes Edward and Henry were to be retained as hostages, as well as the castle of Dover, which was committed to Henry de Montfort. King Richard and his younger son Edmund were forbidden to leave Richard's estate of Wallingford.

In London, the King's residences of the Tower and

* Ita ut cum deliberatione tractaretur, quæ provisionum et statutorum essent pro utilitate regni tenenda et quæ delenda. Rishanger, ed. Riley, p. 28. Also Halliwell, p. 37; Wykes, 152; Lib. de Antiq. Leg. 63. Cf. Stubbs' Const. Hist. ii. 90.

Westminster were found unfit for his reception; he, therefore, took up his abode with the Bishop on the 28th. On the road to the capital, new measures were resolved upon for calming the excited people, who, in many places, were suffering bitter want. The occupants of castles on both sides must discontinue their hostilities; every man must lay down his arms, and release his prisoners; further breaches of the peace were threatened with death, offences against ecclesiastical property and the life and goods of the Jews receiving special mention. As the appointment of sheriffs had repeatedly been the principal occasion of renewed strife, it was a happy expedient to nominate provisional guardians of the peace (custodes pacis) in twenty-nine counties.* The Chancellor and scholars of Oxford were not forgotten; on the 30th of May they were invited to return to the university town.†

By far the most important measure, was the proclamation of a parliament at London for the 23rd of June, to include, not only Prelates and Barons, but also other liege subjects; four prudent and competent Knights from each shire were expressly invited to attend.‡ The highest ranks here co-operated with representatives of the Commons, so far as they pre-

* The proclamations of the 17th, 25th, and 28th of May, of the 2nd, 4th, and 11th of June. Rymer, i. 441–443. Compare Rishanger, ed. Riley, 29.

† Rot. Lit. Pat. 48 Henr. III. membr. 12. Compare A. Wood, Hist. et Antiq. Oxon, p. 113.

‡ Quatuor de legalioribus et discretioribus militibus dicti comitatus per assensum ejusdem comitatus ad hoc electos.

sented themselves, and an attempt at least was made to carry out the new scheme of government proposed at Lewes. To promote the peace of the kingdom, three persons were to be elected, with the King's approbation, upon taking a solemn oath. They, in turn, were to choose nine others, laymen and churchmen, who should conduct the business of government at the seat of the court, either altogether or in alternate groups of three. The King was to act by their advice in making appointments, and in all other matters. If they should disagree, or individuals among them appear ill-qualified, the decision lay with the first three; these could not lawfully be changed without consent of parliament. The members of the council must be Englishmen, like all sheriffs and custodians of castles; for the rest, foreigners were permitted to pass freely in and out of the kingdom, especially for purposes of trade. All charters of liberty which had been granted to the English people were of course brought to mind, and assurances were given on behalf of the King, his son, and their partisans, that they would cherish no resentment on account of recent events. In accordance with Magna Charta, the Church was left to regulate its own affairs; but Archbishop Boniface made no response to the invitation to return, and this might be regarded as a first indication of mischief.*

Rymer, i. 442, June 4th. Stubbs, Select Charters, 411. The Report on the Dignity of a Peer is hypercritical in doubting their presence, because it is not mentioned in the documents, i. 154.

* Rymer, i. 443, 444. Stubbs, Select Charters, 413, 414. Const. Hist. ii. 90, 91.

On the same 23rd of June, the Bishop of Chichester, Stephen Berksted, Earl Simon, and Gilbert of Gloucester, received authority from the King to elect the council of nine. The regent of the realm, the soul of the entire movement, the Protector, as his contemporaries already styled him, was necessarily included in this commission. In contrast to the baronial government, in which he had formerly taken part, his political sagacity now taught him to exclude large numbers from the chosen committee; partly for the sake of concord, chiefly in order to preserve his own personal power. Whilst he occupied the apex of the pyramid, the assembly of the Knights might serve as a broad and steadfast base.

The position to which a sense of duty and solicitude for the public weal, no less than actual lust of power, caused him to aspire, was altogether exceptional and outside the law. He reserved to himself, for his personal security, the right of bearing arms, though it was denied to all others.* For and against him and his work, keen and vehement opinions were formed by the two parties; opinions that could not be silenced, and found striking expression in words.

His opponents attributed to him the most selfish designs for his own aggrandisement, and that of his sons, whom he loved tenderly; they asserted that he had already assumed the wardship of King Richard's extensive English domains, and eighteen baronies be-

* Rymer, i. 445, July 16: Præsertim cum ex hoc nulli de regno dampnum debeat vel periculum imminere.

longing to royalist peers; that he dragged his King about with him through the country like a prisoner; that he, an Earl, regarded himself as co-regent, and the equal of kingly majesty.* But the men who accused him of considering his own and his descendants' advantage alone, entirely overlooked his untiring and zealous devotion to public affairs since 1258, and shut their eyes to the disastrous abuses in which the country had been plunged more and more deeply by the former legitimate and absolute government. No one had struggled against them with greater energy than he, who was now reproached as a traitor and usurper.†

These contradictory opinions are set forth with remarkable dialectical acuteness in a contemporary poem, whose author was unquestionably clerical, probably a Franciscan friar, deeply religious, and at the same time patriotic and loyal. By a course of temperate reasoning, political and constitutional in its character, he shows free compromise to be the only way of escape from the strife. He celebrates the Earl of Leicester as wholly disinterested and self-sacrificing, as the

* Supra modum glorians in virtute sua sibi et filiis suis, quos nerrime diligebat . . . regem suum regere non erubuit, uo regi rectissime tenebatur. Thos. Wykes, 153. He wrote r, but in the same popular language which is peculiar to the of the baronial war.

† Seductorem nominant S. atque fallacem;
Facta sed examinant probantque veracem.

saviour and deliverer of the realm.* According to the popular belief, Simon, sincerely devoted to the precepts of the Catholic faith, and as a scholar conversant with the canon law, adhered with immovable constancy to the oath which he had sworn to reform the kingdom by means of the Statutes of Oxford. Whilst so many had grown faithless, no persecution had induced him to waver; not even Prince Edward's menace of rope and gallows. At length, the ordeal of Lewes had determined the fate of the two Kings and their heirs, who had once perjured themselves by rejecting a righteous compact, and now, in deep humiliation, reaped the fruit of their transgressions against divine and human law. All English people owed thanks to Almighty God for the victory without which their very existence would have been annihilated.†

The poet avoids describing the King's character, but he entertains a warm admiration for the valour of his son, whom he compares to a lion; yet changeful as the motley leopard's skin upon the escutcheon of th

*The poem, which has already been used, published very indifferently by Wright, Political Songs, p. 72 *et seq.*

Qui se Christo similis dat pro multis morti . . .
Nec fraus nec fallacia Comitem promovit,
Sed divina gratia, quæ quos juvet novit.

Page 8

† Hæc Angli de prælio legite Lewensi,
Cujus patrocinio vivitis defensi;
Quia si victoria jam victis cessisset,
Anglorum memoria victa viluisset.

Page 92.

Plantagenets is young Edward's faith; for in his need, he made large promises, and broke them instantly when he was free. How can he ever be a King, without reverence for law? The doctrine that law and right are superior to the crown,* with all its splendour and all its absolute power, what may be called the Teutonic conception of royalty, as opposed to Roman imperialism, had penetrated to the very marrow of this insular race. Upon this pivot all the other arguments of the singular poem revolve. As the root of the strife,† it indicated the monarch's determination to act according to his own pleasure, and, regarding the realm as his own domain, to dispose of Chancellor, Treasurer, Justiciary, and governors of castles and shires without taking counsel with the Barons. From the idea of an absolute self-dependent dignity, believing itself superior to law, it followed as a necessary consequence that nobles, knights, and freemen, who sought to acquire by peaceful means a control over, and a share in, the government of the State, must appear in the light of rebels.

The court is described in contrast, its corruption by flatterers, knavish impostors, and the avarice of aliens, with the ruin of the country arising thence. To reform all this was the object of the Barons, and it is

* Nam quid lege rectius qua cuncta reguntur,
Et quid jure verius quo res discernuntur?

Page 94.

† En radicem tangimus perturbationis
Regni, de quo scribimus.

Page 96.

proudly asked how it could have been so much as attempted without them.* Misled by others, or harbouring evil intentions himself, the King might rank his authority above the law, but then the Barons were legally and morally bound to remove the evil by a reform involving no harmful consequences.† The objection that the King, the image of the majesty of God, would thus be robbed of his freedom, is met by a reference to human sinfulness, and by the brief and clearly conceived formula that every restraint is not injurious to liberty, but, on the contrary, the sovereign would add splendour and amplitude to his royal dignity when guarded from evil influences and able only to do good.‡ It behoved the King to remember that he also is a servant of God, for he can only claim obedience and love from his subjects when he himself practises them. It follows, indeed, as an inexorable con-

* Non sine baronibus tunc reformaretur.

Page 99.

† Cur melioratio non admitteretur,
Cui vitiatio nulla commiscetur?

Page 102.

‡ Non omnis arctatio privat libertatem,
Nec omnis districtio tollit potestatem.
Ad quid vult libera lex reges arctari?
Ne possint adultera lege maculari.
Et hæc coarctatio non est servitutis,
Sed est ampliatio regiæ virtutis.

Ergo regi libeat omne quod est bonum,
Sed malum non audeat; hoc est Dei donum.

Pages 105, 106.

sequence, that when he errs and persists in error his subjects may call him to account.* Every sovereign who really possesses truth, wisdom, knowledge, and grace from God, and does not merely assume that he excels all other men therein, will without difficulty convince his people of his virtues. On the other hand, human weakness and all the toils of government can find no better support than trustful co-operation with the commons of the realm, with free fellow-countrymen, to whom the principles of those universal rights inherited from their forefathers are better known than to men who are foreign to the kingdom.† The poet has confidence that this constitutionalism would not degenerate, for then freedom would be turning against itself. He recalls the mighty events which had recently disproved the maxim: "The King's will is law,"‡ and points out that a prince must not live for

* Si princeps erraverit, debet revocari
Ab hiis quos gravaverit injuste negari,
Nisi velit corrigi.

Page 109.

† Igitur communitas regni consulatur,
Et quid universitas sentiat, sciatur,
Cui leges propriæ maxime sunt notæ.
Nec cuncti provinciæ sic sunt idiotæ,
Quin sciant plus cæteris regni sui mores,
Quos relinquunt posteris hii qui sunt priores.

Page 111.

‡ Dicitur vulgariter: "ut rex vult, lex vadit;"
Veritas vult aliter, nam lex stat, rex cadit.

Page 116.

himself but for his sublime task and the honour of his realm. He concludes with a reference to the example of our Lord and his disciples, and with the injunction: a King should above all make known his resolutions to those from whom, according to usage, he solicits help.*

The whole course of argument indicates a marvellous ripeness of political intelligence which may have lain dormant in the germ of the English communal system, but was first called into life when Simon came forward. His mind had been impregnated by popular influences, and fertilised the nation in return. At that age the idea of a combination between constitutional monarchy and parliamentary government, both overarched by the sacredness of law, had scarcely been so clearly and distinctly enunciated elsewhere. The nation had already resolved to realise the conception, but it soon became evident that many conditions indispensable to this form of government were either entirely lacking or very imperfectly developed. Though it is in its nature to attain rapid maturity and clearness as an idea, and to find easy expression in words, its realisation is essentially difficult, and can only be accomplished at the price of a perfection of self-control to which men are seldom equal.

* Cur sua consilia non communicabit,
A quibus auxilia supplex postulabit?

Page 119.

CHAPTER V.

SIMON'S GREATEST POWER AND HIS FALL.

HOSTILE MEASURES ABROAD—THE LEGATE, WHO IS REFUSED ADMISSION INTO THE COUNTRY, EXCOMMUNICATES THE REBELS—SIMON SUMMONS THE NOBILITY, CLERGY, KNIGHTS, AND CITIZENS TO PARLIAMENT, JANUARY 20TH, 1265—NEGOTIATIONS FOR THE RELEASE OF PRINCE EDWARD—MEASURES FOR CONSOLIDATING SIMON'S POWER—DESERTION OF THE EARL OF GLOUCESTER—RETURN OF THE EXILES, AND ESCAPE OF THE PRINCE—OUTBREAK OF HOSTILITIES ON THE WELSH BORDER—THE YOUNGER SIMON GOES TO KENILWORTH—DEATH OF THE EARL AT EVESHAM, AUGUST 4TH—REVERED AS NATIONAL MARTYR.

THE Earl of Leicester had scarcely assumed arbitrary power, firmly resolved to use it with all possible moderation;* he had scarcely set himself to encounter

* Modeste agere conatus est, se nihil magis cavere quam ne vel parvo detrimento vinceret magnates quos ad sacramentum jusjurandi servandum flectere non posset: satis habebat in officio continere, ut qui nusquam acquiescere vellent, minus nocerent, are the words of the Opus Chronicorum of St. Albans, ed. Riley, p. 12.

peace-breakers of every kind with unparalleled energy, for the sake of the public weal, when he was immediately reminded from abroad that this power was itself an intolerable anomaly in the eyes of his contemporaries.

Henry III. had been obliged to send early intelligence of the terms concluded at Lewes to his brother-in-law of France, but, as he was a captive prince and Louis now neither could nor would act as umpire, no immediate reply had been vouchsafed.* On the other hand, active military preparations were permitted, especially on the Flemish coast, where the nobles who had escaped from the battle-field met with Queen Eleanor. She had remained on the continent since January, and came in the company of her son Edmund, and her uncles Boniface and Peter; the dispossessed Bishop of Hereford and John Mansell were likewise present. Mercenaries of all nations, Germans, French, Bretons, Gascons, and Spaniards, waited on the shore of Damme for a favourable wind. In repeated letters to Louis, Henry vainly represented that these proceedings involved serious peril to his son and nephew, who were retained as hostages. Simon even caused the King to appeal to the law of nations,† whilst he him-

* De quo turbati sumus et non mediocriter anxiati; Henry to Louis, July 10th. Shirley, ii. 258.

† De jure gentium prædictis obsidibus supremum periculum et status sui subversio. Shirley, l. c. All the property of the Queen was given in custody on the 28th of July. Rot. Lit. Pat. 48 Henr. III. membr. 7. Compare Ranke, Englische Geschichte, vi. 3.

self made vigorous preparations for defence. In the southern counties, Kent, Essex, Suffolk, and Norfolk, barons, lay and clerical, knights and common people, were called under arms, and the inhabitants from village to village commanded to equip themselves, each as well as he was able. The ships of the Cinque Ports and of the towns on the east coast, which were distinguished by their patriotism, carefully watched the open sea.* In August the King was brought to the camp on Canterbury heath. But very soon afterwards the hostile army on the opposite coast dispersed of itself, for the pay was exhausted, and then the sea-voyage appeared quite too formidable.

At the same time the revolutionary government were unwearied in their efforts to bring about an agreement by diplomatic means, still hoping to obtain a verdict which they could accept, not now from the French King but from a mixed commission. After Louis IX. had himself consented to put no obstacle in the way of a conference at Boulogne, the Earls of Leicester and Gloucester were empowered in the last days of July to

* Summons for Kent, July 8th, Rymer, i. 444; for Essex, July 7th, Lib. de Antiq. Leg. 67; for the Ports, August 16th; Rot. Lit. Claus. 48 Henr. III. membr. 4. The barons of the north and of the Scotch border were cited repeatedly, but in vain, July 18th, August 5th; Shirley, ii. 259, 269. The safety of the English merchants commended to the Countess Margareta of Flanders; ibid. 273, 279.

arrange the affair.* The Englishmen nominated were the Bishop of London and the Great Justiciary Despenser; the Frenchmen, the Abbot of Bec and Charles, Count of Anjou, who as candidate for the Sicilian crown already passed for the Earl of Leicester's friend.† As umpire, in case the four could not agree upon their sentence, Archbishop Odo II. of Rouen was selected, a Minorite, with whom, according to the surest testimony, Simon had had hospitable intercourse.‡ It is plain that Simon sought, as far as might be, to place men upon the commission who were favourable to his cause, but at the same time his desire for a peaceful solution of the difficulty was so strong that he further determined upon another noteworthy step. On the 4th of September King Richard's son, commonly known as Henry the German, was provisionally released from his confinement at Dover, upon the

* Henry to Louis: Celsitudini vestræ quantas possumus gratiarum referimus actiones; July 27th. To the two Earls together, July 30th and 31st. The King entreats for delay on account of the danger of war, August 2nd. Shirley, ii. 261–265.

† Rymer, i. 446, in September, the Thursday after the Nativity of the Virgin. Attamen inclitus comes ille Andegavie Karolus parti com. Leyc. favebat. Chron. Roff. MS. Cott. Nero D. ii. fol. 175. To him and to many bishops and royal counsellors in France Henry addressed entreaties that the military preparations on French soil might be checked. Shirley, ii. 265-269, Aug. 2, 4.

‡ Utinam inclytus comes Leycestriæ vestræ sublimitati, sicut veracitur comperi, in Christo devotissimus, pium sanctæ familiaritatis contubernium apud vos invenerit, Adam of Marsh had once written to him. Brewer, Mon. Francisc. 86.

surety of nine English bishops and three French envoys, that he might go in person to the French court and further the negotiations for peace.* But it may be imagined how slight, in spite of all this, was the prospect of frank and dispassionate discussion in any quarter, and how bitter the temper of the two nations, from the fact that when Henry and his suite landed at Boulogne a fight with the inhabitants immediately ensued, and nine Englishmen were slain.† But from the beginning one chief and insuperable difficulty hindered all these well-intended efforts.

The Pope had a word to interpose, but after their victory on the battle-field the Barons steadily refused to grant admission into the kingdom to his Legate, Guido, who had arrived in France some time before. No man understood better than Simon de Montfort how closely the universal supremacy of the hierarchy was interwoven with the power of national monarchs; he knew that when he, a vassal, sought to appeal to the law as an equal against his liege lord, he ran directly counter to the public opinion of Europe. A captive King was incapable of entering upon any binding treaty. Leicester could never rely upon a general recognition of the exceptional and unparalleled power to which he had risen, least of all could he expect it from the Holy Father, the sole administrator of international law. But to set the King free was obviously equivalent to an immediate rekindling of the

* Rymer, i. 446. † Chron. Roff. l. c.

baronial war. The confinement of Henry III. was an ill-fated, although an unavoidable error, and necessarily avenged itself; the dilemma into which it brought Simon could scarcely have been more serious, for he found himself compelled to maintain his illegitimate authority against the mightiest opponents.

One more commission, composed of the Bishops of Worcester and Winchester and Peter de Montfort,* had been sent out to obtain from King Louis and the Papal Legate a recognition of the compromise of Lewes. Apart from the expulsion of aliens, who had, however, become indispensable instruments in carrying out the Papal system of the time, the commissioners were empowered to make conciliatory proposals upon all points for the sake of re-establishing order in Church and State. To the Pope's representative there was a distinct expression of deference;† the great majority of the English clergy eagerly desired a friendly adjustment of the questions at issue, if merely on account of the tithes imposed by Rome, now collected by the new government, and characteristically refused to it in the province of York alone.‡ Some other prelates, as those of London and Chichester, voluntarily crossed the Channel that they might, as true peace-makers,

* Veritatis, pacis et tranquillitatis zelator, as he is called in his safe-conduct. Rymer, i. 447.

† Subiciendo nos jurisdictioni et cohercioni prædicti legati, ut ipse per sententiam excommunicationis et omne genus censuræ ecclesiasticæ nos compellere possit ad observationem præmissorum. Rymer, i. 446.

‡ Rymer, i. 445.

encourage conciliatory advances. All was to no purpose. Cardinal Guido declined to enter into serious negotiations with them. Wrathful at his exclusion from the kingdom, he held the thunders of excommunication ready to be launched against the present English government and all its supporters, and, when the bishops re-embarked in October after fruitless discussions, he even sent the anathemas with them for proclamation in their dioceses. It is narrated that when detained by a cruiser from the Cinque Ports and searched at the Dover custom-house, they willingly gave up the parchments, and looked on as they were torn in pieces and thrown into the water before their eyes. Immediately afterwards, on the 23rd, the convocation of the English clergy appealed from the Legate to the Holy See.* The bull of excommunication, published on the 20th, in the priory of Hédin, and directed for execution to the archdiocese of Rheims, touched but cursorily upon the conciliation vainly attempted in the conferences at Boulogne and Gravelines. It denounced in violent terms the crime committed against the Legate, and excommunicated by name the Earls of Leicester, Gloucester, and Norfolk and their whole party, with special mention of the town of London and the Cinque Ports.† But a severer blow meanwhile awaited them, for Pope Urban had died on the 2nd of October; the Cardinal shortly departed for Rome, and he himself, the crafty

* Thos. Wykes, 156, 157. Rishanger, ed. Halliwell, 38, 39 Ann. de Dunst. 234. Matth. Westmonast. 385.

† Rymer, i. 447.

Provençal jurist, mounted the Papal throne on the 5th of February as Clement IV.

During the interregnum at Rome the attempts to shake the Earl of Leicester's rule were not discontinued. On the 18th of November King Henry was obliged to write to Louis, as well as to his own consort and Count Peter of Savoy, desiring them to resist the designs of certain persons to alienate the fiefs of his crown on French soil, with all rights and prerogatives appertaining to them.* Eleanor was gravely suspected of attempting to provide herself with money by such means. In England itself, especially on the Welsh marches, many daring and adventurous nobles, some of whom had escaped from the battle of Lewes, fiercely kept up their feud with Prince Llewellyn of Wales, the ally of the Earl of Leicester, and sought by craft to liberate the young Princes, who were held as hostages and at present confined at Wallingford. It was probably for this reason that the strong castle of Kenilworth was assigned to Prince Edward as a residence. There he spent Christmas at the brilliant court of Simon and Eleanor,† and was permitted to receive and confer with some of those zealous royalists, Mortimer, Clifford, and Leiburne,‡ who had at length bound themselves

* Rymer, i. 448.

† Green, Princesses, ii. 125.

‡ The King's mandate dated from Worcester, whither he had been obliged to follow the Earl, Dec. 15. Rymer, i. 449. Safe-conduct for the three nobles, Dec. 14th. Rot. Lit. Pat. 49 Henr. III. membr. 27. Eundo apud Kenylworth cum propria familia sua secum existente ad loquendum cum Edwardo filio suo primogenito. Compare Lib. de Antiq. Leg. 70; Thos. Wykes, 159.

to self-banishment in Ireland for a term of three years. These meetings prove that he was not harshly treated and that the head of the government did not oppose reasonable terms for his release, at that time a subject of frequent discussion. Even John Mansell, who had been so deeply compromised, was permitted to return home and reside upon his benefice.*

Though we find only single and scattered notices of these measures, they illustrate the policy of the statesman whose resources never failed under enormous difficulties, when France and the Pope, repelled all his overtures, resolved to make no terms except with the independent and legitimate King. He hoped now by a policy of reconciliation towards his domestic enemies to attach more firmly the various classes of the nation who were already amicably disposed towards him. Foremost among these was the Church, no longer the parochial priests and mendicant friars only, but likewise the majority of the bishops upon whom more and more of Grosseteste's enlightened wisdom seemed to descend, and who looked up with growing confidence to Simon de Montfort as he who was raising a barrier against the whole system of Papal Provisions, accomplishing what the King had neglected for more than a generation. The clergy did not willingly give up their home property to be the spoil of foreign avarice, and they met the champions of nationality with patriotic sympathy, so far as they had courage to declare it. Next were the knights, whom

* Dec. 14; Rot. Lit. Pat. l. c.

the crown had avoided consulting except in the rarest cases of necessity upon single questions connected with public affairs, and the towns, who had been assessed at pleasure from time immemorial, whilst commerce, the element of their life, had never rejoiced in the monarch's fostering favour. Leicester resolved to employ them with the Barons in the great council of the realm as never before, and for this purpose he summoned a Parliament to meet in London on the 20th of January, 1265, a stroke of daring genius which was to immortalize his memory more than all else.

In the first writ from Worcester on the 14th of December, "after the agitation was calmed, for salutary consultation upon the security, peace, and other affairs of his realm," the King invited the Archbishop of York, twelve Bishops and twenty-four Abbots, Priors, and Deans, and on the 24th of the month, from Woodstock, eighty-three other Abbots and Priors, amongst them the Masters of the Knights of St. John and the Templars; likewise five Earls, Leicester, Gloucester, Norfolk, Oxford, and Derby, and eighteen Barons. Lastly, the sheriffs were charged to send two Knights for each shire, the towns York, Lincoln, and the other boroughs (burgi), each two burgesses, the Cinque Ports each four men.* The comprehensive number of ecclesiastical representatives, prelates and

* Rymer, i. 449: duos de legalioribus et discretioribus militibus singulorum comitatuum . . . duos de discretioribus et legalioribus et probioribus tam civibus quam burgensibus suis. Summons of the Cinque Ports in the Report on the Dignity of a

heads of chapters, indicated the importance attached by Simon to the clerical order, and the sympathy with his movement that prevailed in it.

On the other hand only twenty-three lay Barons received writs, probably all who at that time could be reckoned of his party, whilst at least an equal number were passed over, and this restriction showed no less plainly the weakness of his position in regard to this highest order of vassals, and the reason why he ventured to introduce knights and burgesses among them. Subsequently, on the 17th of January, ten northern Barons, including Bruce and Baliol, received safe-conducts for the coming Parliament.* It is impossible that the city of London was omitted, the greatest and most devoted community in the country, although there is a singular absence of any intimation that an election writ was issued to it. Moreover, no contemporary has indicated in what manner this most significant measure was received by the nation. But he who reposed such confidence in the masses of the people in town and country and who was realizing their ardent aspiration, long clearly expressed by word and by pen, to see the laws administered by native Englishmen, to whom they were most familiar,† instead of by inca-

Peer, Appendix, i. 35: quatuor de legalioribus et discretioribus portus viri. Cf. Stubbs, Select Charters, 415. Const. Hist. ii. 92. 93.

* Rymer, i. 450.

† Nec cuncti provinciæ sic sunt idiotæ,
Quin sciant plus cæteris regni sui mores.

Political Songs, p. 110. Compare Ranke, Englische Geschichte, 81, 82.

pable foreigners, he surely could rely with certainty upon wide popular sympathy. Though the novel and revolutionary character of the measure could not be denied, it had been brought to maturity by the necessities of the political situation. It was a bold experiment in Montfort's hand, but it originated in a profound knowledge of English communal life, where the principle of representation had long been applied to local affairs, and it contained the fruitful germ of a conception by means of which the contest of a century for the right of taxation was to be adjusted in future days.

No picture is now obtainable of the proceedings of that memorable Parliament, so entirely new in its composition. It had been stated in the writs that the liberation of Prince Edward was to be taken into consideration, and on the 16th of February the King reminded the Earls of Leicester and Gloucester by letter that the date at which this important affair must be concluded was fixed for the 19th. As they and many of their partisans were notoriously about to ride to a tournament at Dunstable, he warned them with the utmost stringency not to cause delay in the business by their absence. This royal writ was countersigned by the Justiciary, the Bishop of London, and Master Thomas de Cantilupe, nephew of the venerable Bishop of Worcester.* He was one of the many pious

* The two writs of the 16th of February, Rymer, i. 450. The nomination of Cantilupe, Rot. Lit. Pat. 49 Henr. III. membr. 22, February 25th. According to an official note, the King folded the document with his own hands, and caused it to be sealed in his presence.

churchmen entirely devoted to the national cause; a few days later he was raised to the chancellorship.

Some progress was made hereupon in the business of this protracted session, especially burdensome to the representatives of shires and boroughs on account of its cost. In a spirit of mutual concession it was believed that the wisest expedient had been found when, on the 10th of March, the Princes Edward and Henry were released from their present confinement and delivered to the King.* Guarantees indispensable for the security of the State were drawn up in a comprehensive Act of Parliament, passed on the 31st. The King and Prince promised the Barons and commonalty of the land† to pledge themselves by public writs to preserve inviolate the decrees of the Parliament held the preceding June, or the Misa of Lewes, as incorporated in Latin in the French instrument. After recapitulating the amnesty for Leicester and Gloucester, the citizens of London and the Cinque Ports, the King and his son swore, with a reference to Magna Charta, never more to enter into friendly relations with their defeated partisans, and to execute the sentence of outlawry upon all who ventured to resist the convention. On the other hand, they

* Patent, Rymer, i. 452. The King notified Louis IX. and his consort of the liberation of his son, March 14th; ad commodum et honorem nostrum auctore Domino liberatus est. Shirley, ii. 280.

† Requere as haux homes e au comun de la tere par lur lettres overtes.

accepted a fresh oath of homage from all those liegemen with regard to whom they had renounced the feudal bond at Lewes, the victors reserving the right of release if the crown should repeat the renouncement. The custody of castles was to be entrusted to unsuspected persons; no aliens might be brought into the kingdom without consent of the council; the Prince's suite must thenceforth be composed entirely of trustworthy natives, and he was prohibited from leaving England during the three following years on pain of losing all his possessions and dignities. Five of his fortresses had been already occupied, the year before; and whilst these remained as pledges in the hands of the government, and Bristol was added as a sixth, Simon further required from him a personal security which coincided with the necessary military defence of the country. He transferred to the Prince a fief of his own of corresponding value in exchange for the castle and county of Chester and the castles of the Peak and Newcastle in the north, the most important posts for overawing Wales and Scotland. An appeal to the Pope for intervention was expressly instanced as a breach of faith. Lastly, all peers and subjects of the realm, not only in England but also in Ireland and Gascony, and even the King of Scotland, were made acquainted with the terms of the agreement by a public proclamation. It was signed and sealed by the King, the Princes Edward and Henry, ten bishops who with burning taper threatened with excommunication all who should act counter to it, the Prior of the

Knights of St. John, the Master of the Temple, and the Mayor and Corporation of London. Perhaps even ambassadors of the French King were present, for passports had been made out for them on the 15th, a noteworthy evidence that the feudal bond and even the international aspects of the case which had been of influence in the earlier direct negotiations, were not disregarded on this occasion.*

The court party naturally found no pleasure in this form of coercion, and only submitted with silent resentment in expectation of a reaction. They desired that even in duress the King should appeal to the inalienable right conferred by coronation and anointing; they noted every change of expression in the Earl of Leicester's face, and found instead of care and heaviness only firm and joyful resolution reflected there.† But the royalist and foreign party had now no other point of agreement than the offence against legitimacy, hence the innumerable bitter accusations

* The Act of Parliament, Edward's oath on the 10th, the King's charter of the 14th, safe conduct for the French ambassadors of the 15th, transfer of the five castles on the 17th, and the county of Chester on the 20th of March; all in Rymer, i. 451–454. Among the histories, the Lib. de Antiq. Leg. 71–73 alone contains authentic information, and shows the active part taken by the city of London in the conclusion of the treaty. Cf. Stubbs, Const. Hist. ii. 94.

† Nemo comitem Leycestriæ vel infractum mente, seu etiam tristem vultu vidit. Ita conscientiam altæ nobilitatis inspirabat Spiritus Sanctus et roborabat. Opus Chronicorum, ed. Riley, p. 17.

against the Earl of Leicester personally, the rapacity of his house, and his whole course of political action. That he had aimed directly at the crown could not be even distantly asserted, much less proved. The statement of one solitary royalist chronicler that Simon had appropriated eighteen baronies, corresponds with the truth only inasmuch as he had undertaken the administration of numerous estates of exiles, solely for public purposes. Whilst the circumstances were what they were, it was impossible to permit them to be enjoyed by the opposite party. During the sequestration of the wide domains belonging to the King of the Romans and held as security for his good faith, all his stewards and bailiffs were expressly retained in office.* On the 8th of May, Simon caused the promised equivalent for Chester and the Peak to be transferred to Prince Edward by the chancery.† His partisans, many of whom had taken the vow of absolute poverty, denied in words equally decided and enthusiastic that he had ever designed to enrich himself. They held his disinterested devotion to the public weal to be irreproachable,‡ and soon the confiscation of his own fiefs and possessions was to confirm their judgment. He was known to friend and foe as an affectionate father,

* Rymer, i. 448 ; December 13th, 1264.

† Rot. Lit. Pat. 49 Henr. III. membr. 17.

‡ Commodum si proprium comitem movisset,
Nec haberet alium zelum, nec quæsisset
Toto suo studio reformationi
Regni, sed intentio dominationi.
Political Songs, p. 88.

and it is possible that he connived at the arrogance and violence of his sons; but the accusation that one of them, Henry, the Warden of Dover, laid an embargo for his own benefit upon the bales of wool belonging to French and English merchants,* is unsupported and extremely doubtful. The sole example of a favour bestowed on personal grounds is the grant of a hospice in Westminster to his faithful comrade and cousin, Peter de Montfort.† Lastly, the stagnation of trade was not in the first instance the work of the Regent, though caused by the civil war and dissensions with foreign powers; the Legate when he published his bull of excommunication had exhorted the nations of the Continent to break off all intercourse with the heretical island. Great was the lamentation of the commercial classes on both sides of the water when the nimble guard-ships of the Cinque Ports began to search foreign vessels for goods of all kinds, as well as for Papal mandates and contraband of war. Many necessaries already deemed indispensable, articles of luxury and spices, rose enormously in price. If the Earl of Leicester really said that English productions would suffice for English people‡ without foreign imports, the sentiment does small credit to his economic sagacity, but it accords with the exclusively national atti-

* Suis usibus, Wykes, 159.

† Rymer, i. 453; March 14th, 1265.

‡ Quod sine commeatu extraneorum possunt indigenæ bonis propriis sustentari. Thos. Wykes, 158. Compare Gescht. v. England, iii. 785.

tude in political, ecclesiastical, and even material concerns which, in reliance upon her insular position, England assumed under his rule towards foreign countries. The white cloth worn instead of that dyed in Flanders may be accounted for with equal probability by the fashion of a warlike age, possessed by crusading ideas. All these influences were of a kind to excite discontent, but they would not have been sufficient to undermine the power of the prudent statesman, who in moral greatness towered far above his contemporaries. To effect this, disaffection must gain ground once more among his associates, and his own adherents make common cause with the exiles who had long been lying in wait.

During this Parliament the power he had grounded upon wisdom and energy reached its climax. As if seeking for it a designation which should in some measure justify it, he assumed the title of Count Justiciary* in addition to his hereditary dignity of Seneschal of England,† although Hugh Despenser continued to hold the post of Great Justiciary. Is it possible that after the impulse of a great popular movement and his own powers had made him the foremost man in the nation, the model of Aragon presented

* Comes Justiciarius first in a document of January 7th; Foss, Judges of England, ii. 155. Comes Leicestriæ Justiciarius, proclamations of May 20th and June 7th, 8th, and 28th. Rymer, i. 455–457.

† Comes Leicestriæ et senescallus Angliæ, for the first time again May 20th. Rymer, i. 454.

itself to him, where a guardian of national privileges bearing a similar name and holding like authority always confronted the King and permanently limited his power?

The parliamentary business proper came to an end in March, and Simon went from London to Odiham Castle in Hampshire, where his wife had held her court for some weeks. Their son Henry accompanied the Princes Edward and Henry thither on the 17th of March; the Earl himself arrived on the 19th with a retinue of 160 horsemen. He remained till the 2nd of April, and very probably saw Eleanor and his household no more after this meeting.* It was not only from the French coast or the Welsh border that the enemy threatened him. Friends and adherents who would not acquiesce in measures of right and justice caused his gravest anxiety. Robert de Ferrers, the wild and unruly Earl of Derby, who had joined the friends of reform chiefly from motives of rapacity, was convicted in the winter of a public breach of the peace and sentenced by his peers in Parliament to imprisonment in the Tower.† A most fruitful source of discord was the avarice of many who had taken prisoners at the battle

* Rot. Hospic. Comitissæ Leicestriæ in Hudson Turner, Manners and Household Expences of the XIII. Century (Roxburgh Club) p. 13–15; Green, Princesses, ii. 127.

† Ann. de Dunst. 235. According to Wykes, 160, he was sacrificed to an intrigue of Simon's. According to Ann. Waverl. 358, the King was the complainant and Simon appeared as the protector of a friend.

of Lewes and demanded ransoms or indemnification out of their estates. Amongst them was John Gifford, a knight of Leicester's household, second to none in valour, and probity.* As his requests were repeatedly denied, he deserted and joined Gilbert of Gloucester, who, like his father before him, had been altogether unwilling to submit to Simon's supremacy.

This avaricious noble also thought only of rich ransoms, the custody of extensive estates of exiles, and redemption money from the King of the Romans, whom he claimed as exclusively his captive. The opposition he encountered, and Simon's superior statesmanship, reminded the young and ambitious man more and more forcibly of the traditional rivalry between the two houses. Whilst he believed that he was in danger of sharing the Earl of Derby's fate, royalist marchers such as Mortimer and Leiburne, frequented his estates in the west unhindered. The prohibition of the tournament announced between him and Henry de Montfort at Dunstable had reopened the breach between the two rival factions. The Earl of Leicester personally provided for the preservation of the public peace.† Gloucester avenged himself by a violent attack in Parliament upon the foreigner who assumed dominion over the kingdom,‡ who kept the monarch a prisoner and

* Strenuitate militiæ et animi probitate nulli secundus. Wykes, l. c.

† Rishanger, ed. Halliwell, 42.

‡ Quod hic alienigena præsumebat sibi totius regni dominium subjugare. Rishanger, ed. Riley, 32.

conferred posts and offices upon his bishops, whilst he deprived others of their portion. The Bishop of Worcester and Hugh Despenser vainly sought to bring about a reconciliation. It would almost appear that Gloucester, already conspiring with the emigrants, was able to acquire the greater influence over the King. The great Statute was confirmed on the 31st of March, and Henry set out from London on the 2nd of April; Simon and his suite had left the capital previously.*

His sons had now given notice of another tournament at Northampton on the 19th of April, and the Earl of Gloucester was bidden among others, but he, suspecting that some snare was laid for him, had withdrawn towards the Welsh border, where the symptoms of revolt were becoming more and more evident. After his departure from Odiham, Simon again kept the King and Princes with him. He had gone first to Northampton, probably in order to prevent the tournament and the danger it threatened to the public peace, and then turned westward by Gloucester and Hereford. Meanwhile, in the first days of May, John Warenne, Earl of Surrey, and William of Valence, the King's step-brother, landed in Pembroke with 120 armed men. The title of Earl of Pembroke had been once conferred upon William of Valence, but never recognised by the Barons. The two nobles were among those who escaped from Lewes to France, and by advice of the

* Juncta sibi militum turma non modica spreto parliamento secessit ad partes occiduas. Thos. Wykes, 161.

sheriff of Sussex they had been cited on the 19th of March, with Peter of Savoy and Hugo Bigod, to the Parliament on the 1st of June, there to be judged and receive justice.* They had chosen rather to enter into alliance with Mortimer and Gloucester, and acted upon a distinctly preconcerated plan, having for its object the liberation of the heir to the throne. When the tidings of their arrival reached him, Leicester by royal proclamation on the 10th of May commanded the sheriffs everywhere to arrest all disturbers of the peace. At the same time, in accordance with the last decrees of Parliament, they were ordered solemnly to proclaim the ancient charters and the articles recently drawn up for the regulation of the existing government.† Against the revolt which would restore the former hopeless condition of the country, he appealed courageously to the public laws established by an act of political contract.

He still did not relinquish the hope of preserving peace to his country. To that end a pressing message was despatched on the 18th of May to the King of France, with whom intercourse had never been broken off during the interval. As envoy the

* Rymer, i. 449.

† Antiquas cartas communium libertatum . . . ordinationem super nostro et regni nostri statu nuper Londoniæ factam nec non et quosdam articulos de nostro et magnatum terræ nostræ communi assensu de quibusdam constitutionibus dudum provisis. Shirley, ii. 282. Also on the Patent Roll, 49 Henr. III. membr. 16.

Earl again sagaciously chose Henry, Richard's son, who from the beginning had had intercourse with both parties. The King had to command him to depart with speed and to remain as long as his commission required.* The Earl of Gloucester, Gifford, and their confederates, had taken up a threatening position in Dean Forest north of the estuary of the Severn. With them also negotiations were opened, as they always asserted their intention of remaining faithful to the Provisions of Oxford. The Bishop of Worcester and four other mediators were indefatigable in their efforts, and in order to tranquillize the mind of the nation, it was announced on the 20th of May that the concord between the two Earls had never been disturbed.† Even the banished nobles, Clifford and Leiburne, were again admitted to the presence of their favourite, Prince Edward, as he sojourned at Hereford whilst following the progress of the court. Warenne and Valence, who had requested restitution of their estates from the King, were bidden to appear in person. But all these well meant measures only served to enable them to strike their blow with greater effect. Not in open and honourable encounter, but stealthily and craftily, they dealt the thrust, the consequences of which were destined to ruin the hated ruler.

Since the last Parliament Prince Edward had been

* Rex prorogavit ei terminum suæ reversionis usque ad terminum ab ipso petitum. Official note to the patent of May 18th. Rymer, i. 455.

† Rymer, i. 455.

permitted to move about upon parole with comparative freedom in the society of Henry de Montfort, Robert de Ros, and Thomas de Clare, a brother of the Earl of Gloucester and the Prince's closest friend.* The Earl of Leicester had a special affection for this youth, and showed an unaccountable absence of suspicion by retaining him in such a position of trust, even after the recent rupture. On the evening of the 28th of May the young men were testing their horses before the gates of Hereford. After the Prince had tired out several horses, he mounted afresh and suddenly galloped away, followed by Clare, another knight, and four squires, towards a thicket where Roger Mortimer lay concealed with a few troops.† The Prince soon found himself free, and commander of Wigmore, his liberator's castle. The alarm at court was enormous, for it was now scarcely possible to prevent a combination on the part of the fugitives with Gloucester, the marchers, and other royalists who were advancing from Pembroke. Two days later the whole feudal militia was summoned to meet forthwith at Worcester, with the excep-

* Tanquam familiaris et cubicularius. Thomas Wykes, 162.

† Die Jovis in ebdomade Pentecostes, circa horam vespertinam, a militum comitiva, quos secum ad spatiandum extra Hereford duxerat, cum duobus militibus et quatuor scutiferis, propositi sui consciis. The official report in the royal proclamation of the 30th of May. Rymer, i. 455. The account given by Wykes, 163, corresponds therewith, and mentions Clare by name. Rishanger, ed. Riley, 33; ed. Halliwell, 43; Chron. de Mailros, 198.

tion of such as had declared for Gloucester. Whoever dared to aid the insurgents should himself be treated as a rebel, especially after the Earl of Gloucester had now publicly broken his oath and written word, for in the language of the official proclamation the conflict appeared as a feud between him and Leicester.* In these days Simon acted as Justiciary for the King, Peter de Montfort, Giles of Argenton, and Robert of St. John as counsellors; on the 8th of June Henry signed a mandate directing the Bishop of London and the other Bishops of the province to excommunicate all who had misled the Prince and induced him to break his oath,† especially the knights of the border. He lamented the hazardous exploit of which his son had been guilty, regardless of the solemn promise given as lately as the preceding March. He informed the citizens of London of the recent events in a letter of considerable length, perhaps even then with the design of winning their sympathy. Two days later, on the 10th, when dealing with the same subjects, in writing to the Archbishop of Dublin and the Irish states concerning the Prince's confinement and those marchers who were originally banished to Ireland, Henry already described the battle of Lewes as detestable.‡ Even now the Protector no longer held the

* Rymer, i. 456; June 7th.

† Quem proh dolor! ad credendum levem et ad circumvenien-dum facilem invenerunt . . . qui cum eisdem se nobis con-sumacem, et rebellionis filium exhibet in præsenti. Rymer, l. c.

‡ Post illud detestabile bellum de Lewes. Rot. Lit. Pat. 49 Henr. III. membr. 13.

the puppet whom he kept near him with a firm grasp.

A few days after his flight Edward met Gilbert of Gloucester at Ludlow Castle and swore to him to preserve the ancient institutions of the realm, and never to employ foreign ministers. A junction with Warenne and Valence was effected; in the south and in the north of the marches the insurrection blazed unhindered. Simon's command to the garrison of Bristol Castle to hold it for the King alone, arrived too late.* The county palatine of Chester, the border fief which had been withdrawn from the Prince, espoused his cause with alacrity. Shrewsbury, Bridgenorth, Worcester, where the bridge was destroyed, and lastly, on the 29th, the town and castle of Gloucester, the entire line of the Severn, declared for Prince Edward, who now sought by means of this position to shut up the Earl of Leicester in Hereford, with the King, his involuntary companion. All fords and bridges were destroyed or occupied, and the ships were removed from the stream. In his despair Simon turned to Prince Llewellyn of Wales, the hereditary enemy of the English monarch. He had been for some years a welcome guest at Kenilworth, and served as an inglorious support to Montfort's policy with its national aspirations. Now, because of their immediate neighbourhood, his mountaineers were the only accessible allies, and in order to make sure of them, considerable districts,

* Rymer, i. 457; June 9th.

which had been seized by the English crown and nobility, were restored to Llewellyn. In return he was to pay 30,000 marks and to swear fealty not to the King only but also to the decrees of the last Parliament, even in case the King should be unfaithful to them.* Being in this locality and in such exigencies the champion of the constitution did not hesitate to admit a semi-barbarous chieftain into the parliamentary system, whilst the royalist knights in the conquest of the Cymri adhered to the allotted task of their race. It is possible that Earl Simon, as a Frenchman by birth, was less inspired by hatred toward the Celts; it is certain that conquest generally formed no part of his programme.

From Hereford he now marched with the King to Monmouth, where they remained several days. An attempt to rescue the town of Gloucester failed, for Prince Edward and Warenne were on the spot before them.† They would have crossed the Channel from Newport, but the enemy's ships barred the passage, and the troops came to blows in the streets of the town. They were compelled to march back to Hereford through forests and inhospitable regions where the

* Two written pledges of Llewellyn's, dated June 19th; Shirley, ii. 283–287. The King's ratification of June 22nd; Rymer, i. 457. The London Alderman says indignantly: per iniquum consilium; Lib. de Antiq. Leg. 73.

† In Monmouth, on the 25th and 28th; Rot. Lit. Pat. 49 Henr. III. membr. 12, and Rymer, l. c. Further information concerning the movements on both sides in the fragment of a letter from G. de Morley to H. de Manley; Shirley, ii. 288.

English soldiers pined for bread among people who subsisted upon milk and goats' flesh.*

Whilst at Monmouth, on the 28th of June, Leicester had summoned his son Simon and the guardians of the peace for Dorset, Devon, and Somerset to come to his assistance, and young Montfort had meanwhile raised the siege of Pevensey Castle, on the coast of Sussex, still held by the opposite party, in order that he might force a way of escape for his father in the north-west. But he wasted precious time by a series of incomprehensible movements. First he turned towards London, where the popular Mayor, Thomas Fitz-Thomas, who had been re-elected from year to year, already had difficulties in repressing the growing party of the aldermen by coercive measures.† Then, at the head of sixteen knights bannerets, and a troop of London infantry, he hastily returned southward to Winchester. The royalist citizens kept their gates closed, but he forced an entrance on the 16th of July, and Jews and Christians did heavy penance for their resistance. After marching hither and thither by Oxford and Northampton, evidently for the purpose of everywhere collecting troops, he finally reached Kenilworth, but, instead of taking up his quarters within the walls of the familiar castle, he imprudently occupied the farms and hamlets. Here, in the night of the 31st of July, he was suddenly surprised by Prince Edward,

* Wykes, 164–168. Ann. Waverl. 362, 363.

† Lib. de Antiq. Leg. 114, 115. The writer, Arnold Thedmar, a German by descent, was amongst those threatened.

Valence, and Warenne, who having exact information of his movements from their spies, had hastily advanced from Worcester. The Barons, the Earl of Oxford among them, were taken without weapon or armour and made prisoners; the young Montfort escaped in his shirt, with a few companions over the lake into the castle.* The Earl of Leicester had reckoned upon successfully breaking through the line of the Severn as his son advanced, and Prince Edward, fearing that this bold counter-march to Kenilworth might give the skilful strategist an opportunity of discovering a week point, hurried back to his post as soon as he had secured his booty and prisoners at Gloucester.

Without a suspicion of the fate of those who should have succoured him, the Earl had started from Hereford on Sunday, the 2nd of August, and crossed the Severn at Kempsey, an estate belonging to Bishop Walter, four miles south of Worcester. It was not till the following evening that they proceeded unchecked to the Abbey of Evesham, where the monks prepared a friendly reception. Here they heard mass on the following morning; the King desired to breakfast before starting,† and whilst they tarried, mounted

* Wykes, 169, 170. Rishanger, ed. Halliwell, 44. The attack especially described in the Chron. de Mailros, 199. The statement in the Waverley Annals, 363, 364, that the young Simon had already lain six days in Kenilworth, and, confident of victory, had accepted a formal challenge from Prince Edward, stands alone.

† Wykes, 171: devenit Eveshamiam tertio die mensis supradicti, feria secunda. Ann. Waverl. 364, die Martis . . . .

squadrons were perceived approaching from the north-east. As they carried Montfort's banner, Simon joyfully believed that he was already saluting his son. Prince Edward's leopards were first recognised from the belfry; he had craftily taken the northern road the day before, as if aiming at Shrewsbury or Stafford, and, with the same design of deceiving the enemy, he caused the trophies of Kenilworth to be borne before him. Mortimer and Gloucester, who at first had been hidden by a ridge, now appeared in rear and flank; all the men of the assailing army were distinguished by red crosses, so that the full gravity of the situation became plain to Simon's troops, who were surrounded on all sides. As he surveyed from an eminence the admirable dispositions of the enemy, and observed nothing of the mad impetuosity which had been so disastrous to the Prince at Lewes the year before, he exclaimed with a feeling akin to pride: "By the arm of St. James, they have not learnt that from themselves, but from me. Commend your souls to God, for our bodies are theirs."* The hoary headed Bishop of Worcester had scarcely time to receive confession and pronounce absolution.

Although the numbers were something like two against seven,† each man scorned to desert singly and

mane versus Ewesham iter arripuit . . . . dominus rex cum suis voluit jentaculari, quod et factum est. Noluit autem dominus Symon de Monteforti ibidem aliquid cibi capere.

* Rishanger, ed. Halliwell 45; ed. Riley, 37; Chron. de Lanercost, 76.

† Chron. de Mailros, 200.

trust to chance; all were as ready as their gallant leader to sacrifice their lives in a cause which they deemed sacred. The first onslaught, led by Edward with blare of trumpets, pressed Simon and his army into one closely entangled mass; it was a case, not for strategic skill, but simply for courage to the death. No other glory remained to them but, in closest conflict, hand to hand and shield to shield, to sell their lives as dearly as they might. Not one man could or would surrender. Henry de Montfort was hewn down before his father's eyes; the cousin Peter, Hugh Despenser, and Ralph Basset, faithful to their cause to the end, fell at the side of the old warrior. He, after his horse was killed under him, grasped his sword in both hands and dealt vigorous blows to right and left, until he received a mortal stroke from behind and died a hero's death for the national liberties of his country. Soon the youthful flower of many a noble house lay dead, a Mandeville, a Beauchamp, one hundred and sixty knights in all. The young Guy de Montfort, two sons of Peter, the young Humphrey de Bohun, and others, were dragged but half living from under heaps of slain and made prisoners. Some thousands of Welshmen early sought to make their escape as best they might. Thus an instantaneous revolution in the fate of the kingdom was effected, not by a battle, for the victor had no noticeable loss to deplore, but by a fearful slaughter that came to a decisive end between six and nine o'clock in the morning. A brilliant comet had long awakened among the people appre-

hensions of extraordinary events. On the 4th of August a frightful storm devastated many districts.*

The old King narrowly escaped injury in the tumult, for he was unrecognised by the victors until he cried: "Hold, I am Harry of Winchester." They then led him back in triumph to the Abbey, and there many of the noble dead found honourable interment, amongst them Henry de Montfort, Prince Edward's companion in age, to whom, as the first-born of his brother-in-law, the King had stood godfather. The basest vengeance was wreaked only upon the body of Simon, of him who had died a martyr's death for a deep and powerful conviction. The soldiers, infected by the burning hatred of their leaders, hacked the body in pieces. The arms and legs were publicly exposed in certain prescribed places as the limbs of a traitor; the head, with its ghastly decoration is said to have been delivered to the bloodthirsty consort of Roger Mortimer at Wigmore.† Such of the remains as the monks of Evesham could collect, they interred quietly and reverently in the chancel of their Abbey church.

* Upon the battle of Evesham it is well to compare Wykes, 172–175, with the numerous authorities who lament the Earl's fall. A revision produced nothing essentially new to Blaauw, The Barons' War, p. 242 *et seq.*, and Gesch. v. England, iii. 791 *et. seq.*

† Testiculi abscisi fuerunt et appensi ex utraque parte nasi, et ita missum fuit caput, etc. Lib. de Antiq. Leg. 75, 76. Wykes agrees with the other chroniclers in censuring the brutalities which were committed. A miniature picture from MS. Cotton. Nero D. ii. fol. 176; in Blaauw, p. 254.

They acted entirely in harmony with the universal veneration which beheld in the departed nobleman, not a rebel, but a disinterested benefactor of the people. Because of its bloody and tragic form, the heavy national loss which clergy and laity mourned in common, became in their eyes a glorious martyrdom suffered for the peace of the country, and the welfare of Church and State.* His death again brought the rare image in its completeness before the minds of his contemporaries. His courage and his loftiness of temper, seeking not its own, but aiming ever to protect the poor man from oppression and establish righteousness and justice in the State, became articles of belief to which Heaven itself had set the seal of truth. He had been an ally of the clergy at all times, and they now, high and low, priests and monks, celebrated his profound knowledge of the Scriptures no less than his reverent and constant devotion. Himself, sure and steadfast as his word, he trusted implicitly in their mediation and vied with them in fasting and watching. His intimate connection with the ever memorable Bishop of Lincoln was a household word under innumerable roofs. The people would have it that Grossoteste had once charged his friend, as penance for his sins, to devote himself till death to the cause

* Rishanger, ed. Halliwell, p. 48: Præcipue religiosi, qui partibus illis favebant vel favere credebant. Ann. Waverl. 365: Martyrium pro pace terræ et regni reparatione et matris ecclesiæ, ut credimus, consummavit gloriosum. The chronicle of these Cistercians is contemporaneous till 1266; Luard, p. xxxvi.

for which he fought, because the peace of the English Church could not now be secured without the instrumentality of the sword of iron.* He was second to no man in the nation in genuine piety, and the crown of saintship was the guerdon of his undying merit; enthusiastic followers had predicted it, and it was conferred by the people themselves, not by the Pope at the King's request. From the miracle said to be performed by the dissevered hands when they were taken to Wigmore, there grew a catalogue of two hundred and twelve, chiefly benevolent acts of healing upon men and beasts. The pious and superstitious gratitude passed ere long into a fully developed cult. A liturgy, in prose and verse, used in the adoration of this political saint is still extant, but some enemy's hand has carefully cut out two pages containing the biographical sketch customary even for church services.†

It cannot be without reason that, with a few remarkable exceptions, all contemporary records, the annals

* Asserens pacem ecclesiæ Anglicanæ sine gladio materiali non posse firmari, et constanter affirmans, omnes pro ea morientes martyrio coronari. So in St. Albans, Rishanger, ed. Riley, p. 36.

† MS. Cotton, Vespasian A. vi. fol. 189:

Salve Symon Montis Fortis,
Totius flos militiæ
Duras pœnas passus mortis,
Protector gentis Angliæ, etc.

Ora pro nobis, beate Symon! ut digni efficiamur promissionibus Christi. Halliwell, Rishanger, p. 67 *et seq.* Wright, Political Songs, 124. Chronicon de Mailros, 201–216.

of monastic houses, whether old or new, give to Earl Simon the most enthusiastic reverence, as the defender of ecclesiastical and national freedom. The higher ranks also, the baronage and knighthood, so far as they had adhered to him, entertained like sentiments. A French ballad sings, not unworthily, the last heroic struggle of the Earl, the 'Flower of martial glory,' and his faithful comrades. Strangely enough, and with little appropriateness so far as Pope and King are concerned, it places him side by side with the solitary national saint, the universally venerated St. Thomas of Canterbury.* It was rumoured that the monk's hair-shirt was found after death upon Simon's body as on his. All people were exhorted therefore to cry to Heaven for Simon's mediation, as well as Becket's, with the Holy Virgin's Son, that the faith and its loyal servants in the Church might be delivered at a time when many had become unfaithful.

Neither Simon's piety nor his military genius was

*The third verse runs :—

Mès par sa mort, le cuens Montfort
Conquist la victorie,
Come ly martyr de Canterbyr
Finist sa vie;
Ne voleit pas li bon Thomas
Qe perist seinte Eglise,
Ly cuens auxi se combati
E morust sauntz feyntise.
Or est ocys la flur de pris, que taunt savoit de guere,
Ly cuens Montfort, sa dure mort molt enplorra la terre.

Ritson, Ancient Songs, i. 15; Wright, Political Songs, 125.

the sole reason of his enduring fame. It was due no less to his championship of the oppressed classes, in which he had at that time no rival, and to the great political experiment of convoking classes of the people hitherto unrepresented. But no man could yet foresee that through it the way would actually be prepared one generation later for deliverance from the conflict of a century, and the English government advanced by contract and stipulation to the form best befitting it. Simon himself probably died without the assurance that he had earned immortality by this means.* It first became clear to the nation when the conqueror of Evesham, the great King upon his throne, found himself compelled to readopt that creative idea, and introduced representatives of the commons in the name of the crown into the political system, for the purpose of sharing in the right of taxation. But at that time men overlooked the many impure motives that had influenced the course of conduct pursued by the Earl, and the disasters he might have brought upon the State. His foreign birth, the personal quarrel with the King, his violence of temper and lust of power, the fatal necessity of always exercising illegal coercion after he had conquered, all these circumstances combined to form a chain in which he himself became ever more closely bound. True, only he among the rival parties

* As Sir James Mackintosh well puts it, History of England, i. 238: "He died unconscious of the imperishable name which he acquired by an act which he probably considered as of very small importance."

displayed constructive genius and a warm zeal for justice. But did he and the nation really understand each other, though the English celebrated him as a martyr and a hero of romance? Morever, it would have been impossible for England to tolerate in the thirteenth century any approach to the republican form of government under an illegitimate Protector which proved impossible when it was atttempted in the seventeenth. The monarchy upon which the State had been grounded could not be uprooted, even from the hearts of those early friends of constitutional government. For the sake of the public weal it must be restored to its rights. The papacy, whose doctrine no one in this land of ancient orthodoxy yet ventured seriously to question, possessed claims of which it could not suffer itself to be deprived, least of all by revolutionary means. Both combined proved eventually stronger than the popular movement.* Only when they were again disunited, a new epoch dawned of change, concessions, and reforms.

* See the excellent characters of Simon and Edward I., drawn by Stubbs, Const. Hist. ii. 99, 100, 298.

CHAPTER VI.

END OF THE CIVIL WAR AND OF THE HOUSE OF MONTFORT.

RESTORATION AND REACTION — AGREEMENT OF KENILWORTH, 1266—REVOLT OF THE EARL OF GLOUCESTER AND THE CITY OF LONDON—PEACE THROUGH THE MEDIATION OF THE LEGATE, 1267—FATE OF THE COUNTESS OF LEICESTER AND HER CHILDREN—ELEANOR IN FRANCE—THE MURDER AT VITERBO, MARCH 13, 1271—DEATH OF THE BROTHERS SIMON AND GUY—AMAURY, AND ELEANOR, THE LAST PRINCESS OF WALES.

THE elaborate political structure, which an architect of genius had sought to raise from the provisions of the mad Oxford Parliament, fell to pieces on the day of Evesham. The King was once more his own master, and immediately laid claim to the full authority of his office. He announced by public proclamations that he would now rule by his own independent power, as in former times, and he revoked the mandates extorted from him and issued by the Earl of Leicester, who

had made an unwarrantable use of the great seal.* The King's sheriffs were immediately appointed to all the counties. After Simon the younger, who had vainly sought to bring assistance to his father from Kenilworth on the 4th of August, had thrown himself behind the strong walls of the castle, he at least liberated his prisoners, King Richard with his younger son Edmund. The widow of Despenser capitulated in the Tower. Although warlike and energetic as no other, Edward nevertheless advised an immediate treaty with the hostile garrisons, and fair terms to the inhabitants of the Cinque Ports if they would desist from their marine expeditions, and freely return to their obedience to the King.†

As soon as the gates of the kingdom were again at the disposal of the conquerors, a Parliament was convoked at Winchester. All the Bishops were invited, except the four specially compromised, London, Lincoln, Worcester, and Chichester, and among the higher nobility all who had either remained faithful to the crown,

* Præfatus comes literas sigillo nostro, quo non nos, sed comes ipse pro suo utebatur arbitrio formari fecit. Rymer, i. 458; Worcester, August 7. Literas sigillo nostro, quo pro suo libito voluntatis utebatur, signari fecit; to Archbishop Boniface. Rot. Lit. Pat. 49 Henr. III. membr. 9, August 24th. Wykes says, p. 168, of the conclusion of the treaty with Llewellyn: Eamque sigillo regio consignavit, quod duobus laicis deportandum commiserat, viz., Domino Petro de Monteforti et Domino R. de Sandwych militibus, quod a seculo fuerat inauditum.

† Dum tamen voluntati domini nostri se submittant. August 24th, Shirley, ii. 289.

or, after suspicion of disloyalty, came forward now to make their peace. Even the widows of royalist gentlemen slain in the civil war were represented. With the vengeance and precipitancy inevitable in all reactions, every act of government since the battle of Lewes was here declared null and void, all the rebels were outlawed who had borne arms at Kenilworth or Evesham, their estates confiscated, and the greed of the victors satiated from the enormous mass of property thus left without owners. Gloucester, Valence, Roger Mortimer, and Philip Basset, as well as the Princes Edward and Henry, took care to be recompensed for their services. The spiritual and temporal Barons were solicited for advances of money to assist in discharging the enormously swollen debts of the King of the Romans. Edmund, once King designate of the Sicilies, was consoled with the whole fief of the late Earl of Leicester, the office of Lord High Steward of the realm, the earldom of Derby, and other estates of rebels. Even loyal partisans shook their heads at a revolution so extravagant.* Property changed hands much more rapidly and extensively than in the previous year, when the Regent had sought to suppress with a firm hand the most self-seeking of his partisans, and to put the property of his adversaries under the guardianship of the State. The country swarmed with outlawed patriots, who began to collect together in scattered

* Wykes, 183 : Rex et sui complices non sicut decuerat cautiores effecti, sed potius stultiores. Further, Gesch. von England, iii. 797, *et seq.*, and Catalogue of Transfers, Blaauw, 267, 268.

groups in remote and inaccessible regions, especially in the low lying marshes around Ely and Cambridge, precisely in those districts where the last Anglo-Saxons had defied the iron rule of the conqueror. The fate of the City of London was peculiarly hard when it was compelled to surrender at discretion in October, and its plenipotentiaries were confined at Windsor in spite of safe-conducts; not only did it atone for the democratic government of recent years, but also it was compelled, by the banishment and plunder of many citizens and the payment of 20,000 marks sterling from the City treasury, to make expiation for offences against Henry and his consort, King Richard and Prince Edward. The ancient charter conferring the right of self-government was nullified so long as the Constable ruled unrestrained in the Tower as King's Seneschal, and a number of citizens were held as hostages for the obedience of the restless populace* even after the pardon granted on the 10th of January, 1266.

The sharpness of the antagonism, defiance on one side and imprudent revolution on the other, prevented the pacification of the kingdom for more than a year. At first, moreover, the Pope's movements indicated an intention to inflict chastisement. Clement IV., who when Legate had vigorously opposed this revolt, dangerous alike to throne and altar,† had, before he heard

*Lib. de Antiq. Leg. 77–82. Rymer, i. 464, October 6. Report of Earl Humphrey of Hereford; October 6th, Shirley. ii. 293.

†Clement IV. to Louis IX. Reynaldi, xxii. 179, 1265: Quid putas, fili charissime, in iis agi? quid per talia machinamenta

of Simon's fall, despatched Ottoboni, the Cardinal Deacon of St. Adrian, to England, with instructions to warn the Barons and the Prince against all fellowship with him.* After the news of victory he came to the King's assistance with a grant of tithes for one year, absolved the Earl of Gloucester, and congratulated the Prince and his father upon their liberation.† When, at the end of October, the Cardinal Legate crossed the Channel with the Queen who had remained two years in France, his journey to London took the form of a triumphal progress of the victorious ecclesiastical power. The Pope advised conciliatory measures, since severity, though it subdued individuals, would only irritate the great body of the nation,‡ but both parties were still too warmly excited to listen to the voice of reason. Prelates who had been so deeply implicated as the Bishops of London, Chichester, Winchester, and Worcester, were necessarily called to account; it was enough that in the previous year they had not executed the sentence of excommunication entrusted to them

quæri? ad quid per tales eorundem baronum insidias anhelari, nisi ut de regno illo regium nomen aboleatur omnino et extincto ibi semine regio ipsi regnent? nisi ut Christianus populus a devotione matris ecclesiæ et observantia fidei orthodoxæ avertatur. Compare Ranke, Englische Geschichte, i. 82.

* Two bulls of the 13th of September; Rymer, i. 460, 461.

† Leta nobis et tristia nunciasti to Ottoboni XIII. Kal. Oct. in MS. Add. Mus. Brit. 15, 362, fol. 83, and five bulls in Rymer. i. 462–465.

‡ Clement IV. to Henry III., October 4th: Cum fervor vindictæ paucorum odium reprimat, multorum irritet.

against the Earl of Leicester and his party. The Legate suspended them from their office in solemn session, and the three first were further condemned to a penitential pilgrimage to Rome. The aged Walter of Cantelupe, immovably loyal to his convictions, was rescued by death from the evil days in store for him, as even an adversary expresses it;* he died on the 12th of February, 1266. It was universally believed that the glory of saintship would have been his if he had not thrown in his lot with Leicester.

To exercise grace and mercy towards those who persisted in keeping up a finale to the drama of the civil war was still more difficult, for the garrison of Kenilworth held out with the heroism of despair, and the strong bands of outlaws in the midland and eastern parts of the island repeatedly extended to them a helping hand. It was not till the summer of 1266 that a regular siege of the fortress could be formed, and even this gave no promise of speedy success. In September the Pope renewed his sentence against the rebels with added severity; at most the Legate might only absolve from excommunication upon the bed of death.† But the obstinate resistance which they still

* Qui tanta sanctitatis eminentia cæteris præpollebat episcopis, quod nisi contra juramentum quod Domino regi de fidelitate [fecerat] imo etiam contra inhibitionem sedis Apostolicæ Comiti Leycestriæ tam familiariter et fortiter adhæsisset, in catalogo Sanctorum non immerito fuerat ascribendus. Wykes, 180. Compare Rishanger, ed. Riley, 47.

† Rymer, i. 469; September 15th.

encountered, gradually forced the government to consider their own position. In the higher and lower ranks alike, those who had either remained faithful to the crown, or ultimately submitted, began afresh to murmur against the endless military and financial exactions. So it came to pass that at a Parliament held on the 24th of August, in sight of Kenilworth Castle, the King and his counsellors nominated three Bishops and three Barons, with whom an equal number of deputies from the estates were permitted to co-operate. Under the guidance of the Legate and Prince Henry, these twelve drew up the sentence (Dictum) of Kenilworth, an earnest attempt to restore peace to the kingdom and to make fair terms with the dispossessed nobles.* On the 31st of October this decision received legal sanction in the national assembly, then transferred to Northampton. The Legate himself confirmed the Great Charter, though only in the form used at all ratifications since 1225. The tithes were granted to the King for three years at the Pope's suggestion, and but little to the satisfaction of the clergy. The outlaws, with the sole exception of the descendants of Leicester and Robert Ferrers, the wild Earl of Derby, were to receive back their estates from those to whom they had been transferred, upon condition of giving up the revenues for one, two, three, four, or five years, according to the measure of guilt in each case. All legislation developed from the Provisions of Oxford

* Annales Waverl. 371 *et seq.* For the particulars, Stubbs, Const. Hist. ii. 96.

was once more solemnly annulled.* There was no lack of dissension during this and the next following reign, but these concessions, inspired by the prudent advice of Rome, first wrought a substantial improvement in the condition of the country, after it had steadily deteriorated since the beginning of the century.

The courageous defenders of Kenilworth still persevered in their resistance, perhaps because from them alone seven years income of their confiscated estates was required as ransom.† They did not capitulate till all means of sustenance were consumed, and all prospect of help had vanished. And still the public peace was not established, for the rebels were so strong in the eastern counties that they even obtained possession of such towns as Lynn, Cambridge, and Norwich, and at the same moment the most dreaded peer in the country rose in arms once more, because the new securities for the national privileges now by no means satisfied him. Like many contemporaries of the same rank, Gilbert de Clare, Earl of Gloucester, had fought both for and against constitutional rights; in the committee of twelve he had zealously supported the agreement of Kenilworth, but encountered violent opposition from the ultras of Roger Mortimer's faction, who would not hear of restoring the estates forfeited by high treason. Thus he was placed in the same position as

*Dictum de Kenilworth, Statutes of the Realm, i. 12; Select Charters, 419.

† Ann. de Dunst. 243.

that to which he himself had once helped to bring Montfort. Apprehensions of an attack from the Barons of the border compelled him to consider means for securing the safety of his person and his neighbouring domain, and, as a mediation attempted by Warenne and Valence failed, and he did not venture to appear himself with the army when, in February, 1267, the King lay encamped near Bury St. Edmunds, he suddenly appealed once more to the Provisions of Oxford. He referred to the oath sworn to him by Edward immediately after his liberation, that foreigners should thenceforth be excluded from possessions and influence. And did not Valence claim the earldom of Pembroke? Was not the King about to transfer Norfolk from the haughty Roger Bigod, who had likewise been implicated in the popular movement, to his own son-in-law, the son of the Duke of Brittany? Taking his stand upon the Dictum, Gloucester further demanded that the outlaws should receive an amnesty, instead of being subjugated by force. He expressly asserted that he took up arms solely against Mortimer and his confederates, not against the King and his son.* When the Legate summoned the insurgents in the fens of Ely and Axholme to return to their obedience to Church and Crown, they replied defiantly in the phraseology which had meant so much under Simon de

* Wykes, 198–202, Ann. de Dunst. 245. Rishanger, ed. Halliwell, 60; ed. Riley, 47. See on the checkered policy of the two Earls of Gloucester, father and son, Stubbs, Const. Hist. ii. 227, 298.

Montfort, calling themselves loyal sons of the Church and truest patriots; then, that the defenders of the nation's liberties might not be utterly overpowered, Gloucester rose, and in April marched rapidly upon London. There, attempts to suppress the democratic party had produced so little effect that very recently, in spite of confiscations and the expulsion of their most energetic comrades, the citizens had tumultuously demanded the reinstatement of their long idolised Mayor, Fitz-Thomas. Cardinal Ottoboni, who resided in the Tower, could not, or, rather, would not, hinder the Earl's march across the town to Southwark on the 8th day of the month. Gloucester even had an interview with the Legate, who, with Italian adroitness, was probably playing a deep-laid game for the purpose of duly intimidating the court and inducing it at last to desist from its obstinacy.* Very soon John d'Eyville, one of the boldest partisans in the eastern districts, joined the Earl with his troop of horsemen; they took possession of the bridge and all the gates; again the popular party was supreme in the City, and the Legate sat near by in the Tower.

The King, terrified by the threatening attitude of London,† found himself compelled to relinquish his enterprise in the east and to summon the Prince from the the north. But it was not till the beginning of May that

* Unde manifestum est quod comes habuit introitum civitatis per consilium et assensum legati. Lib. de Antiq. Leg. 90.

† Audito quod civitatum Angliæ principissa per infidos indigenas in dolo fuerat occupata. Wykes, 200.

they were able to approach cautiously from Essex, whilst Gloucester commanded all the western roads. The Legate repaired to the royal head-quarters, freely and unimpeded according to some accounts, rescued from the distresses of a siege according to others. As he, King Richard, his son Henry, and others, urgently advised a reconciliation, terms were at last concluded in the middle of June. The interdict upon London was only nominally renewed. Upon condition of admitting the royal bailiffs and their own aldermen, the citizens now received complete pardon, and the Earl of Gloucester, who had helped them to obtain it, procured the same for himself and for Eyville's followers. The confederates on their side must consent to make compensation and give bail.* The outlaws around Ely now raised no material difficulty. After their leader, Nicolas of Segrave, one of Leicester's most faithful adherents, had come to an understanding with Prince Edward, they capitulated on the 11th of July, all the advantages of the Dictum of Kenilworth being still preserved to them. Lastly, with Cardinal Ottoboni's help, the Welsh Prince Llewellyn made his peace at Montgomery on the 29th of September, and thus the last convulsions of the civil war were presently stilled.

Rome had recognised that she must not continue to encroach recklessly, as hitherto, upon the independence of the English church, claiming its riches as her own, and obtruding her protectorate over the kingdom in

* The charters for the Earl and for the City, both of the 16th of June. Rymer, i. 472, and Lib. de Antiq. Leg. 93, *et seq.*

face of the growing sentiment of nationality. The crown at last desisted from the practice of conferring fiefs and offices upon foreign kinsmen and favourites. Even the franchises now raised to the rank of national law were applied in a manner well adapted to restore the long disturbed harmony between government and people. In the Parliament summoned to Marlborough in November, 1267, besides the great Barons and experienced administrators (discreti), such as chancellor and judges, some men of lower rank were also admitted.* It re-enacted the Provisions of 1259, thenceforth to be accepted as part of the legislation of the realm, inducing thereby the people, both high and low, to yield dutiful obedience to law. It is not improbable that the shires were represented by their chosen Knights. They and the Barons were courteously consulted, but no definite right of participation in State affairs, especially in questions of taxation, was conferred upon them. Except the demand for the appointment of the ministers and the election of sheriffs, almost everything was conceded that had been asked for at Oxford ten years before. Born of the bitterest experience, a spirit of frugality at last prevailed in the treasury, and justice in the tribunals which spoke in the King's name. After King and Barons in conflict with one another had appointed great justiciaries,

* Convocatis discretioribus regni tam ex majoribus quam minoribus. Statute of Marlebridge; Statutes of the Realm, i. 19. Compare Report on the Dignity of a Peer, i. 159. Cf. Stubbs, Const. Hist. ii. 97.

endowed with a high political authority which could never be advantageous to the development of the monarchy, this office now entirely disappeared, giving place to supreme judges who presided over the several courts and were irremovable so long as they discharged their functions with integrity.*

Thus the revolution and the breach with the court of Rome came to an end; a disturbance of many years standing was settled, and bore some good fruit as well as much that was evil. Now all who were called by the name of Montfort appeared to be driven away under outlawry and ban. What was the end of the race which, as if smitten by a curse, rapidly died out in the branch transplanted to England?

When Prince Edward escaped from his guardians on the 28th of May, 1265, the Countess Eleanor with her brilliant household was still at Odiham Castle in Hampshire. Upon hearing of the occurrence she first went to Porchester, where she had an interview with her son Simon; on the 15th of June she arrived at Dover and took up her residence in the castle, the custody of which was in the hands of her eldest son. It was fully intended to defend the castles upon the coast in order to command the straits of Dover as long as possible. French ambassadors, who kept up constant intercourse with the court, now shut up at Hereford, were hospitably entertained,† and numerous

* Foss, The Judges of England, ii. 155, 221.

† Rot. Hospitii Comitissæ Leicestriæ, ed. Hudson Turner, p. 51, where, from the 19th of February till the 1st of October,

messengers despatched in various directions; the last was sent directly to the Earl as late as the 1st of August. Then came intelligence of the cruel blow at Evesham that decided the greatest venture of Eleanor's life, and robbed her at once of her husband and her eldest son. All the proud hopes of this aspiring woman, who for years had declined to follow the paths appointed her, were crushed in a moment. Bowed down to the very earth, she laid aside her purple and put on the widow's weeds she had worn long before in her early youth.* She shaped her life thenceforth after the pattern of a cloister, fasting and dispensing alms. At various times, on the 19th of August and the 3rd of September, masses were said for the soul of her departed husband.† She only gradually relinquished the idea of offering resistance at Dover, as her son Simon did at Kenilworth. But when she recognised the full force of the reaction, meaning for her not princely and fraternal grace but outlawry and banishment, then she hoped by giving up the castle to win a gleam of pity. So the garrison was discharged, and all made ready for a journey. With motherly affection she had caused her younger sons, Richard and Amaury,

1265, every date is recorded, every change of residence, and every trifling expenditure.

* Habitum vidualem, quem voto castitatis temere violato per carnis petulantiam indiscrete reliquerat, reassumens. Wykes. 179.

† Rot. Hospitii, 68: twelve shillings and nine pence for the mass. Many details from the same document collected in Green's Princesses, ii. 145, *et seq.*

to join her as quickly as possible, and on the 18th of September she sent them across the Channel to Gravelines.* Amaury already held a canonry at York, which was now forfeited. They took with them the considerable sum of 11,000 marks; this the King sought to recover some weeks later in a letter to Louis IX., but apparently in vain.† On the 1st of October she closed her account with the messengers for the last despatch to Kenilworth.‡

Now there was immediate need that she herself should seek refuge for the last time in France, for on the 28th of September a royal order charged the Barons of the Cinque Ports on no account to suffer her to depart with her treasures.§ She knew her brother's malice and cold-heartedness, but she had consolation in the generosity of her nephew Edward, whom she had entertained as a hostage at Kenilworth and Odiham, and who in her need gratefully requited the kindness and consideration with which she had constantly treated him. Whilst the King henceforth dropped the designation "our sister" in all his proclamations, the heir had still a courteous word for her. On the 16th of August she had received a letter from the

* Rot. Hospitii, 74.

† Rot. Lit. Claus. 49 Henr. III. membr. 2, dorso; October 10th.

‡ Rot. Hospitii, 75. The manuscript once belonged to the nunnery of the Montforts at Montargis. It was saved from the destruction of the French revolution, and placed in the British Museum. MS. Add. 8877.

§ Green, ii. 454, and Shirley, ii. 292.

young conqueror, perhaps giving fuller details of Simon's tragic end. The Prince was already the soul of a judicious system of restitution, and on the 26th of October, after Eleanor had escaped across the Channel, he presented to the Chancellor, Bishop Walter of Bath, a considerable list of noblemen who had belonged to his dear aunt's court, and whom at her request he commended to mercy and the restoration of their landed estate.* To this was added, three days latter, a special intercession for John de la Haye, who had always been one of Leicester's most faithful servants and partisans.† Her brother, the King of the Romans, had also expressed, privately at least, unalterable affection for her and her children, and promised to assert their rights as far as he was able. The appearance of the first of the sureties whom he brought was a moving incident; it was no other than the venerable Bishop of Worcester.‡

When the Countess arrived in France, accompanied by her daughter and namesake Eleanor, the King gave

* Ad instantiam carissimæ amitæ nostræ, dominæ comitissæ Leycestriæ, Dover, October 26th. Green, ii. 454; Shirley, ii. 294.

† Edward to the Chancellor, November 5th. Shirley, ii. 296. Spelling the name as de la Hare must be erroneous according to Adam Marsh; Brewer, Mon. Franc. 268, 298.

‡ This remarkable document from the French archives is printed by Blaauw, The Barons' War, appendix, p. 2: Richard par la grace de Deu Rey des Romeins tot jors cressaunt . . . Donne en la priorie de Kenilwerthe le Dimeinche prechein avant la feste de la Nativite nostre Dame l'an du rengne le Rey quarante nevime (September, 1265).

her the same respectful reception that had always been accorded there in so striking a manner to the house of Montfort. Louis was still ready at all times to interpose a word on behalf of the unfortunate family. He induced the English King soon to lay aside his cruel and relentless mood, and at least to entertain the idea of an accommodation with his sister. The revenues of her widow's dower, her personal possessions, were to be reserved to her.* But one serious difficulty remained in the spirited resistance of the younger Simon at Kenilworth. For months the garrison spread terror and dismay† through the midland districts of the island by their devastating sallies, until the blockade of the place could at last begin in June, 1266. But meanwhile the young Simon had departed secretly in order to profit by the good will shown to his mother in France, perhaps to obtain direct aid for himself. He could not be ignorant that Louis IX. was urgently interceding on their behalf.‡ But the inclination chivalrously to adventure his life was stronger than the resolution to obedient submission. So he

* Rot. Lit. Pat. 49 Henr. III. membr. 29, November 18th; see Green, ii. 151.

† Cum . . . quendam de nuntiis nostris nuper per partes illas transeuntem ceperint et ei manum truncaverint, etc. Henry to the Sheriff of York, March 15th, 1266. Shirley, ii. 300. Compare Rishanger, ed. Riley, 43.

‡ Ad procurandam pacem et amicitiam liberorum S. quondam comitis Leycestriæ, nepotum vestrorum, ac comitissæ genitricis eorum, vestræ sororis, etc. Louis IX. to Henry III., May 5th, 1266. Shirley, ii. 304.

stole back, defying a warrant for his arrest,* and joined the insurgents in the fens of Ely instead of returning to Kenilworth. His was the blame, therefore, that the Dictum of October excluded the members of his family from its benefits and referred their fate at best to French arbitration.† It is true that he is reported to have recommended the garrison of Kenilworth to surrender the castle upon fair conditions. But, under the command of the valiant knight, Henry Hastings, they are known to have held out some months longer, protesting that the castle had been entrusted to them by its mistress, the Countess, not by her son.‡ This bulwark of the power of the Montforts in England did not fall till the 21st of December, 1266.

Meanwhile the Countess had retired to Montargis, the Dominican nunnery founded by her husband's sister Amicia;§ though full of grief and sorrow she was still indefatigable in her efforts to save some fragments from the shipwreck of their fortune for herself and her children. Through the mediation of her sister-in-law, Queen Eleanor, she obtained for herself an

* Rot. Lit. Pat. 50 Henr. III. membr. 18, dorso.

† Statutes of the Realm, i. 17.

‡ Dicentes se nullam a Simone suscepisse castri custodiam, sed a Comitissa, paulo ante a regno expulsa; nec ulli viventi de resignatione proposuerunt, nisi ipsimet Comitissæ et in sua præsentia respondere. Rishanger, ed. Riley, 43.

§ In domo Sororum de ordine Prædicatorum apud Mountargys, a sorore viri sui fundata, morabatur. Rishanger, ed. Riley, 87. Compare Gallia Christiana, xii. 256.

annual pension of £500 from her former possessions,* but with this she could not rest content because she had the fate of her sons equally at heart. Simon had fortunately escaped across the sea when his last comrades in the eastern counties at length made their peace in the summer of 1267. He was followed a little later by his brother Guy, who had been confined by the victors since the battle of Evesham and effected his escape from Dover by bribing his guard.†

At the same time Louis had also interceded on behalf of the sons. Whether he were led to renew his application by personal esteem for the mother, with whom he had so often had intercourse, or by a deeper political calculation, it is certain that at the moment when the humiliation of the house of Montfort was most complete, he persuaded the King of England to listen to him more willingly than before. In response to a formal embassy, a decree was issued on the 24th of June, 1267, to the effect that Simon the younger should receive an equivalent for his father's former possessions, as estimated by his own agent and the King's. The King of the Romans was named as umpire. But again hard conditions and qualifying clauses made the whole of little value. In the first intoxication of the reaction, Leicester's estates had been already transferred to Prince Edmund, and Henry reserved to himself the right of assuming possession

* Rot. Lit. Pat. 51 Henr. III. membr. 20, dorso.

† Custos Guidonis de Monte Forti in castro Doveriæ corruptus ipsum dimisit liberum. Rishanger, ed. Riley, 47.

of them at any moment, after a valuation which was entrusted to the French King. It was expressly stipulated that the losses suffered by the crown from the Montforts should then be deducted.* Simon and his brothers must further renounce every hostile alliance or design against the English King and the Plantagenet dynasty. All were forbidden to set foot on English ground without permission. It is no matter for surprise that these conditions, scarcely honest in intention, were not accepted by the other side. A few months made it evident that all the efforts of the mediator were fruitless. On the 6th of September Henry III. wrote to the French King that he was prepared to receive the Countess or her son at any moment, and to afford them justice so far as the laws of the realm permitted. He must, however, adhere to the former conditions which, if not now accepted, would afterwards become void.† It is noteworthy that at this time the litigious Countess made serious attempts to obtain from the French tribunals, for the support of her family, a fragment of the inheritance of her mother, who had married the Count

* Precium vero speramus esse taxandum, si vestræ serenitatis circumspectio diligenter advertat turbationes et damna innumerabilia quæ sustinuimus hactenus et adhuc etiam sustinemus, occasione seditionis per patrem suum, etc. Henry III. to Louis IX., Stratford, June 24th, shortly after the conclusion of terms with London. Green, ii. 455.

† Quod si ad præsens admittere recusaverit, ad hoc alias regressum si voluerit non habebit. Shirley, ii. 315.

of Marche and Angoulême as her second husband.* She may have had reason to despair of a reconciliation between her brother and her children. The attitude of the sons, at least, indicated no desire to facilitate it.

Simon fully realized his position as the heir of his race, and the songs which sang his father's death, centred the hopes of the party upon him.† The lingering connection with the patriots was not entirely severed, even after the defeats of 1267. Guy had soon left the French asylum in search of adventure, and joined Charles of Anjou and his army in the conquest of Naples and Sicily.‡ The elder brother appears to have followed him into Italy somewhat later, but not until he had carried out a singular adventure in England. Towards the end of the summer of 1270, Prince Edward entered upon his crusade to Palestine, and a great part of the English nobility joined him, amongst them, Gilbert of Gloucester. The young Montfort took advantage of the quiet and emptiness of the kingdom to make a clandestine visit; he prayed at the tomb of his father and brother at

* Green, Princesses, ii. 155.

† Priez touz, mes amis douz, le fitz Seinte Marie,
Qe l'enfant, her puissant, meigne en bone vie.
Wright, Political Songs, 127.

‡ Concerning his relation to the King, Guil. de Nangis, Recueil, xx. 438. Charles made him his deputy in Tuscany, G. Villani, Muratori Rer. Ital. S.S. xiii. 261.

Evesham,* and then fled beyond the Alps, carrying thoughts of vengeance with him.

After the death of Pope Clement IV. on the 29th of November, 1268, the cardinals had failed to agree upon the choice of a successor, and a long interregnum ensued. When Edward put to sea from Palermo in February, 1271, he despatched his cousin Henry, son of King Richard, to England; he, probably provided with secret commissions to the conclave, met his uncle, Charles of Anjou, and King Philip III. of France in Rome, and on the 9th of March the three Princes repaired to Viterbo, where it was hoped that the papal election would at last take place.

Here, as finale to the English Civil War, an unparalleled crime was committed, of a type even then rare in the north, and more consonant with the usages of the hot-blooded south. Simon and Guy of Montfort were also at Viterbo in the company of Count Aldobrandini, Rosso dell'Anguillara, who held estates in Tuscany, and whose daughter Margaret had been married to Guy some time before. According to the statement of a Papal partisan, Henry the German was charged, with Charles of Anjou's assistance, to persuade his unfortunate cousins to a reconciliation with Prince Edward.† The miserable men were either

* The remarkable statement in Bartholom. Cotton. ed. Luard, p. 146, a. 1271 (Rer. Brit. med ævi SS).

† Processus Gregorii X. Papæ contra Guidonem, Rymer, i. 501: ad quos restituendos ad carissimi in Christo filii nostri E. Regis Angliæ illustris gratiam.

ignorant of this, or, regardless of the bonds of kindred, they forgot how much affection and esteem they had once interchanged with him. When Simon was taken prisoner at Northampton in the spring of 1264, King Richard had rescued him from shameful death. Subsequently, after the decisive day of Evesham, Simon entertained Richard and his son at Kenilworth, until he voluntarily set them free. Had the Montfort brothers no other ground for ill-will towards their kinsman than that, after joining the patriot cause, he had abandoned their father at a critical moment? Or were they incited by their Italian connections to a treacherous crime? Suffice it that on the 13th of March, as the sovereigns of France and Sicily were performing their Lenten devotions among the Franciscans, Simon and Guy appeared suddenly with an armed band in a church opposite Henry's dwelling, where he was attending mass.* With the cry: "Now thou escapest not, traitor!" they fell upon him with sword and dagger as he knelt in prayer, suspecting nothing. Guy, more audacious than the rest, tore the expiring man from the altar, dragged him by the hair through the throng and through the portal, and completed the ghastly murder without the church. They then sprang upon their horses to seek a refuge with

* Philip III. to King Richard, March 13th, 1271, in Lib. de Antiq. Leg. 134. Wykes, 241, calls the church St. Blasius, Rishanger, ed. Riley, 67, and Guil. de Nangis, Recueil, xx. 484, St. Laurentius, Annal. de Wintonia, 110, St. Silvester. The Pope: in quodam parochiali ecclesia ejusdem civitatis. Rymer, i. 501.

their patron, Count Anguillara.* The King of Naples immediately took measures for seizing the murderers,† but in that lawless country their safety had meanwhile been more effectually provided for. Simon died a natural death in the course of the same year at Siena, or, according to another statement, in France.‡ It was not till March, 1273, that the church interposed against the murderers,§ after a new pontiff, Gregory X. had ascended the Papal throne, and when Edward, now by his father's death King of England, was leisurely returning through Italy from Ptolemais. This Pope pardoned the Bishops of London and Chichester,‖ who had been suspended ever since the time of the civil war, and it almost appeared as if he sought a pretext for delay in this affair, but Edward I. was urgent, even suspecting the Kings of France and Naples of concealing the crime. Thus Guy and his father-in-law at least were called to account. The former had the audacity to make an appeal through his brother Amaury of Montfort, who was an ordained priest, and according to one report had been cognizant

* Andonne salvo e sano in Maremma nelle terre del Conte Rosso suo suocero. G. Villani, Muratori, xiii. 262.

† Charles of Anjou to Edward, Viterbo, March 13th. Rymer i. 488.

‡ Matth. Westmonast. 401. Ann. de Dunst., 259. Simone fatali sorte rebus humanis exempto; the trial in Rymer, l. c.

§ The citation in Rymer, i. 499, March 1st.

‖ May 31st and November 26th, 1272. Copies in MS. Add. Mus. Brit. 15,363, fol. 24, 87.

of the conspiracy.* In three letters to Gregory still extant, Guy entirely denied his own complicity.† The Count of Anguillara alone succeeded in exculpating himself; Guy was declared an outlaw by the sentence of the Church, but in the autumn, as the Pope passed through Florence, he threw himself at his feet, barefoot and wearing a cord round his neck, "so that the door of mercy was opened to him."‡ Ten years he did penance in a solitary cell, until Martin IV. released him, employed him as his condottiere in the Romagna, and permitted him to lay claim to his wife's inheritance.§ During his confinement in the monastery the King of Naples had sought to obtain favour for him from the King of England, but Edward refused to listen to any proposal short of the blood-stained man's eternal banishment beyond the Alps.‖ In 1288 Guy fought again for the Neapolitans at sea, but he was captured with the Prince of Salerno and thrown into a Sicilian dungeon; there he ended his life, for all attempts to

* Non sine assensu, ut credi poterit Emmerici fratris eorundem. Wykes, 241.

† The three letters copied in MS. Add. l. c. fol. 52, 55, 61.

‡ Rymer, i. 501, April 1st, 507; November 29, uxoris suæ præsentia.

§ Rishanger, ed. Riley, 105, a. 1283.

‖ Edward I., April 11th, 1279; Rymer, i. 568. Pene novit totus orbis, qualiter ille Simon, pater suus, et idem Guydo cæterique fratres et complices sui, olim sanguinem nostrum sitientis, domino H. regi patri nostro et nobis mortales insidias præparaverunt. Two letters of the Prince of Salerno, p. 584, 586.

purchase his release failed.* The bloody deed perpetrated upon the son of the King of the Romans lived long in the memory of Europe. It was painted upon the walls of the sacred spot where it occurred, and Dante placed this son and grandson of the two great Simons among the murderers in the bloody pit of Hell.†

It was a sign of nobleness in Edward I.'s character that he, at least, did not visit the trangressions of the sons upon the unhappy mother. As he returned through France he confirmed to her, upon the application of Philip III., the payment of her widow's dower, and, so long as she should cherish no hostile designs, the recognition of all her rights. He paid debts for her out of his treasury, and caused certain still outstanding claims of her first husband to be collected for her benefit. On the ground of St. Louis' will, she made application for 1500 marks from the English deposits placed at the time of the civil war in the house of the Templars at Paris, but these she could not recover, in spite of the French King's advocacy.‡ After Eleanor had at length made her

* Ptolemæus Lucensis, Muratori, xi. 1164. Girard de Francheto. Recueil, xxi. 9. Compare Rymer, i. 695.

† Viterbienses vero in memoriam interfecti modum interfectionis in pariete depinxerunt. Rishanger, ed. Riley, 67.

Mostrocci un' ombra dall' un canto sola,
Dicendo: colui fesse in grembo a Dio
Lo cor che in sul Tamigi ancor si cola.

Inferno, Canto xii.

‡ Edward, Melun, August 10th, 1273. Dum tamen pene et fideliter versus nos et fideles nostros se habeat. Philip to Edward,

last will in January, 1275, and commended it and her surviving children to the dowager Queen Margaret, she died in the spring of the year, probably at Montargis, where she was interred with the strictest privacy.* At Margaret's request her executors were admitted without delay before the English tribunals.† I Eleanor had been capable of greater self-control, an if, instead of goading and inciting Simon's powerfu nature, she had won a softening influence over him, she as a daughter and sister of kings, and with her talents would have been pre-eminently fitted to promot concord in the royal family and peace in the realm.

Of the other children, Richard disappeared, probabl before the mother's death, and left no trace.‡ By he death-bed stood Amaury and the only daughte Eleanor, Simon's youngest child, born twenty-tw years earlier whilst he was absent in Gascony. A attachment to the young lady on the part of the statel and beautiful Prince Llewellyn of Wales dated as fa back as the intercourse at Kenilworth in 1265, and th betrothal was ratified by the dying mother in memo of the political alliance of that time. We do not kno what secret communications with Wales were carri on in France. It appears, however, that Amaury w

October 10th, 1273. Green, ii. 456, 457. Compare p. 158, 15 Champollion Figeac, Lettres, i. 159.

* Ann. de Dunst. 259, 265.

† Margaret to Edward: la Contesse de Leycestre nous pria requist a sa fin, etc. Green, ii. 457. Rot. Lit. Claus. 3 Edw. membr. 13.

‡ According to Annal. de Dunst. l. c.

again permitted to come to England, where he was received and protected by the Bishop of Chester in the capacity of chaplain.* In the spring of 1276, after those differences had already begun which resulted a few years later in the violent subjugation of the mountain country by Edward I., the younger Eleanor went to Wales by sea, under the escort of her brother Amaury, two French knights, and two mendicant friars. Notwithstanding every precaution, they were carried off near the Scilly Isles by four ships from Bristol, unquestionably by the King's command, since he afterwards caused a reward of 200 marks to be paid for the capture.† Amaury was confined, first in Corfe Castle, afterwards at Sherburne; his sister, the plighted bride of an enemy of the country, was conveyed to Windsor. Llewellyn's fierce demands, his vehement complaints to the Pope, were of no avail.‡ The mighty King did not condescend to be gracious until Llewellyn had madly rushed into war, and conducted it with such ill fortune during the next year, that he lost the whole of his country, except the isle of Anglesey and some districts around Snowdon; then, after he had taken away his independence, Edward gave his bride into his hands. The marriage

* Cepit in societatem suam Emericum de Monte Forti ad conducendum et veniendum secum in Angliam. Lib. de Antiq. Leg. 159, a. 1273.

† Rishanger, ed. Riley, 87. Wykes, 104. Bartholom. Cotton, 153. Compare Green, Princesses, ii. 163.

‡ MS. Add. Mus. Brit. 15,363; John XXI. to Edward, January 30th, 1277.

was celebrated at Worcester in the presence of the English court on the 13th of October, 1278.*

Thus a tragic and romantic fate had made the daughter of the great Simon de Montfort "Princess of Wales and Lady of Snowdon." As such she reminded Edward I. of her mother's still unexecuted will, in order that at least her share of the inheritance might be delivered over to her.† It was probably owing to her husband's attitude, and the English King's design of completely crushing Cymric liberty, that the business was delayed. Amaury was not set free until 1281, when Archbishop Peckham of Canterbury became surety for him.‡ He himself thanked the King for his grace in a letter written at Arras, and begged for support in his necessitous condition.§ Subsequently, he also went to Italy, where he threw off his clerical garb and caused himself to be knighted, about the time of his brother Guy's imprisonment by the Aragonese: his death followed soon after.‖ He was the last of the branch who bore the name of Montfort, for Guy left only daughters, and it is doubtful whether Simon or Richard ever had children.

The Princess of Wales still addressed herself to

* Rishanger, ed. Riley, 92. Annal. Waverl. 389. Compare Green, ii. 163, and Geschichte von England, iv. 23.

† Her letter of October 9th, 1279. Rymer, i. 576.

‡ Rymer, i. 602, 603, 605.

§ Champollion Figeac, Lettres, i. 301, May 22nd, 1282.

‖ MS. Roff. in Cotton. Nero D. ii. fol. 182, an. 1287. Emericus frater eius clericus eminentis litterature qui ultimus fuit de progenie Guenelonis factus est miles abjecto habitu clericali.

Edward at various times in the friendly tone of a relative, although it soon appeared that her mother had left only debts, and even bills for her Lucchese banker which were drawn upon Edward. She interceded for her husband and her brother, and at the beginning of 1281 she spent some time as a guest at the court in Windsor.* But she was not able to avert the storm from the Celtic land which she, the granddaughter of an English king, had chosen for her home. In the spring of 1282 her brother-in-law David, and then Llewellyn himself, roused their rough mountain tribes to a war of independence, and soon afterwards, on the 21st of June, Eleanor died in childbed. She knew nothing of the subjection of the entire principality to the English crown, and she died before her husband's head was planted upon the battlements of the Tower of London. The little daughter whom she bore was christened Guenciliana by the conqueror, and spent her life in the convent at Sempringham. The King of England provided graciously for her maintenance, yet he was careful that she should remain a nun until her death on the 7th of June, 1337.†

It was indeed, a strange mingling of blood, the granddaughter of Simon of Montfort being the only child of the last native sovereign of Wales. That was reason enough to seclude her for half a century as a person dangerous to the crown.

* Rymer, i. 587. Compare Green, Princesses, ii. 166–168.

† Continuatio Florent. Wigorn. ii. 226 (Engl. Hist. Soc.). Many grants in the Rot. Lit. Pat. and Rot. Lit. Claus.; Edward III. from 1327 to 1337.

EPILOGUE.

Jurists and historians, especially in England, are wont to compare with pride and pleasure the early political development of this country with that of Aragon.* And it is true that, at the first glance, a remarkable correspondence is perceived, not only in time but also in the elements forming the two constitutions. In the Pyrenean peninsula, also, the seclusion of a narrowly bounded kingdom materially assisted the combination of West-Gothic customs, and the ancient popular liberty of the Teutonic race, with feudal institutions. As early as the twelfth century we find knights and citizens admitted to the Cortes side by side with the higher nobility and the clergy. Here, as in England, the term honor is applied to the fief of highest rank, with the same double conception of a greater possession and a loftier dignity. The Commons call themselves *brazo de universidades*, the term used by Matthew Paris and in the popular verses of the English friars. Finally, Aragon had the celebrated office of the Justicia, who may well be compared with the great justiciaries as they appear in the British island from Henry II. to Henry III.

* In lieu of many others, we quote only Hallam, View of the State of Europe during the Middle Ages, ii. 43, ed. 1855: "Perhaps in no European monarchy except our own was the form of government more interesting than in Aragon."

But among these points of analogy it is important to keep in view the great and essential divergencies which *from the first* necessitated a totally different development. Under what Aragonese king before Pedro IV. (1348) was the authority of the crown comparable to that of the Normans and Plantagenets in England? Though there were conflicts between the sovereign and nobility of Aragon in the years 1264 and 1265, forcibly reminding the student of contemporary events in England, nothing corresponds in any measure to Magna Charta until the *Privilegium Generale Aragonum*, granted at the Cortes of Zaragoza in 1283. The knights, infanzones and hidalgos do not appear in great numbers, neither have they the county as basis for uninterruped communal and self-governing administration. For them, therefore, the representation of the district could not be introduced as a higher and further stage of progressive development. Moreover, only a few royal towns anciently sent deputies to the national assembly, but the number for each was considerable, Zaragoza alone sending from eight to ten. Even the sixty-first article of Magna Charta did not aim at a permanent right of armed resistance to the absolute power of the crown, such as was customary in the Spanish kingdom.* And finally, with regard to the Justicia Major, his

* The power of the estates was expressly limited: donec fuerit emendatum secundum arbitrium eorum. Cf. Gneist. Geschichte und heutige Gestalt der Aemter und des Verwaltungsrechts in England, i. 288, second edition.

appointment was for a long time as much in the King's hands as in England the nomination of Ranulph de Glanville, Hubert de Burgh, and others, to their supreme judicial dignity. The office necessarily disappeared in this country as soon as the courts of justice and their commissions were more fully developed, and gave judgment in the name of the crown as institutions of the realm. It was only after 1348, when the kingly power gained greater strength in Aragon, that the Justicia acquired his life-long and wholly exceptional position. It might be called the perpetuation of authorized opposition, whilst in England, Simon de Montfort, the last great Justiciary, grasped in passing at the dignity solely in order to obtain for his unconstitutional authority the legal prestige of an office that had once rendered the most substantial services to the crown.

It can scarcely be questioned that the Earl of Leicester was acquainted with the Aragonese constitution, especially with the place it assigned to knights and towns in the Cortes.* Whether these institutions pressed themselves upon him as models for his projects of reform in England is, on the other hand, extremely doubtful. His father had certainly known the system as it had existed in southern France, furnishing one proof of the direct connection of the district with the country and people south of

* Ranke's Englische Geschichte, i. 81: "Und leicht konnte Simon Montfort hiervon wissen, da sein Vater in so mannigfaltiger Berührung mit Aragon gestanden."

the Pyrenees, and the marked contrast between the political life prevailing there and that north of the Loire. But, stern and uncompromising as in other things, he, as conqueror, had immediately introduced the system of northern France in opposition to it. In 1212, when at the climax of his power, he summoned a Parliament to Pamiers to enact new statutes through the instrumentality of a committee of twelve—four churchmen, four French nobles, and four natives, of whom two were burgesses,—and the Coutumes of Paris were then expressly made the basis of the new laws of inheritance.* Beginning with one of the most important departments of life, the firmer discipline of the north was to take the place of southern license. Thus the elder Simon also vainly staked his life for a reform. And did the son differ essentially from the father in sympathy for political institutions on the slopes of the Pyrenees? He was scarcely ten years old when his father died; he spent his youth in northern France and then went to England. He was never again brought in contact with the south for any length of time, except during his government of Gascony, and then he appears occasion-

* Tant entre les Barons et Cheualiers, que Bourgeois et Rureaux, les heretiers succederont à leurs heritages, selon la coustume et vsage de France pres Paris. Vic et Vaissette, Histoire Générale de Languedoc, v. Additions et Notes, p. 54. The editors add the remark, p. 51: La malheureuse idée d'introduire en Languedoc, dans ce pays de franchises et de libertés, les coutumes de Paris, n'eut qu'un succès passager.

ally as a refuge for the oppressed, but chiefly as the restorer of royal power in conflict with a haughty nobility and town communities who were equally refractory. His experiences there and the state of Béarn or Jaca cannot have encouraged him to make his English experiment. On the contrary, it arose entirely out of national conditions already existing,* and perhaps precisely because it was not bound to follow any foreign analogy, it succeeded only one generation later.

In England, the aspiration of the lower classes to express their will in the great Council of the realm, as well as in the town and county, is closely connected with the origin, it might be called the discovery, of representation for carrying out this purpose. The entire thirteenth century works more and more consciously towards this double goal.

The right of judgment by peers, and a share in police and penal regulations, had been retained from Anglo-Saxon times by the tenants in chief and the independent freeholders of the county. Under the Norman sheriff these customs had acquired only more distinct form and fuller life at periodical sessions, as in the grand jury. Here the practice of election and representation of the freeholders for judicial and fiscal purposes had long been established by usage. The

* But the presence of such influences, however fully admitted, does not make it the less true that it is from an English root that the House of Commons sprung, and that root no other than the English county court. Shirley, ii. p. xxiii.

twelfth article of the Magna Charta of 1215, providing also that the entire body of lesser crown vassals should in two prescribed cases be convoked through the sheriffs to the great Council of the realm, was never put into execution in this form, but it remained as a suggestion for the future.

We frequently hear of summonses to individual knights from the counties, though they did not appear in a regular Parliament. John certainly followed some more ancient precedent in 1213, when he summoned four *discreti milites* from each shire to Oxford in order to confer with them upon imperial business, to wit, a proclamation of war against France. Again in 1226, four knights were admitted from eight several counties for another still less general purpose, namely, to present accusations against the sheriffs who acted counter to Magna Charta; it was here expressly ordered that they should be elected by their peers.* The case of the 11th of February, 1254, namely, the summoning of two knights to appear at Westminster in the stead of each and all in their county, was therefore a remarkable event,† at least inasmuch as the

* Rot. Lit. Claus. 10 Henr. III. membr. 13: Dicas militibus et probis hominibus baillie tue, quod quatuor de legalioribus et discrecioribus militibus ex se ipsis eligant.

† Rot. Lit. Claus. 38 Henr. III. membr. 13, dorso: Vice omnium et singulorum eorundem comitatuum. The significance of this Writ is admitted in the Report on the Dignity of a Peer i. p. 96: "The election of two knights for each county might be considered as a substitution for the general summons provided by the charter of John."

first attempt was thus made to consult the representatives of communities in the same manner as the great barons, if not to introduce them to the national council. The clergy met at the same time, and for the same cause. There is no indication of joint deliberation with the nobility, or of the presence of town members; the purpose of the citation was the same as in 1213, the need of an extraordinary military aid, and those bidden presented themselves as influential representative men, not as formal deputies. No vestige remains of writs to the "mad" Parliament at Oxford in 1258, but knights and smaller tenants-in-chief must have been among the crowd who arrived there with the nobles. It is evident that knights as well as barons were elected on several of the commissions.

The keen eye of the Earl of Leicester had long watched the germination and growth of this new element. It must not be forgotten with regard to him that, as a Frenchman, he had much more of the culture of a gentleman and a man of the world than his contemporaries among the English barons, who were uniformly of a rougher type. What he had still lacked of familiarity with the old English county life was soon supplied by daily experience as a Lord of the Manor, and by the intercommunication between the gentry and the towns which was then beginning. His ideas were doubtless matured by intercourse with such men as the Bishops of Lincoln and Worcester, who, through the influence of the Franciscans, were followed by a great part of the nation. We remarked his first step

in this direction when he, Worcester, and Gloucester, who had all three been members of the governing committee in 1258, and were now in open opposition, summoned three knights from each shire to meet at St. Albans on the 21st of September, 1261, and the King commanded the same men to appear before him at Windsor. The project, which, if carried out, must have resulted in a supreme assembly, was thus dexterously defeated once more.* Nothing was yet established in these matters either by law or custom, but revolutionary attempts to effect a radical change were constantly renewed.

It may excite surprise that Simon did not take immediate advantage of the victory of Lewes and the defeat of the King to pass a legislative measure of this character. But the times demanded that first the stipulations of the Misa, that is, of the peace, should be passed into statutes with all possible promptitude. The Parliament summoned to meet in London for this purpose at Midsummer, 1264, was essentially an assemblage of Barons, for the four lieges, fideles; therefore men likewise holding fiefs immediately of the crown, who were bidden from twenty-nine counties only, were admitted simply in order to assist in establishing public peace, although the principal statute was issued in the name of the whole community of the realm. The Mayor and Corporation of London alone are found among the guarantors of one charter.

* Shirley, ii. 179: Henry III. to all the Sheriffs on this side of the Trent, September 11th, 1261. Compare Report on the Dignity of a Peer, i. 133.

It was not till later in the year that the Earl's constitutional plans ripened, and led, as we know, to the Parliament of the 20th of January, 1265, the composition of which has made it so famous. Now for the first time two representatives were expressly summoned for each shire, representatives not of the smaller crown vassals alone but of the county itself, that is, of the entire body of feudal tenants and freeholders. A number of towns were invited to send deputies in like manner. Their advice was not asked merely upon a single question of peace or war, but upon the affairs of the realm in general.* So the model for the future was complete, even to the allowances of the deputies, though soon a reaction in favour of the restored kingly power set in, and no law pronounced till long after that the presence of representatives of towns and shires was constitutional and indispensable in the discussion of statutes and the granting of subsidies.† Nevertheless, the birthday of the Commons was in that memorable year.

* Report on the Dignity of a Peer, i. 154. Hallam, View of the State of Europe During the Middle Ages, iii. 15. Gneist i. 310: "Die kleinere Vasallenschaft und das Freisassenthum hatten zum ersten Mal einen formirten Körper erhalten und das Bewusstsein, dass ihnen unter Umständen eine mitentscheidende Stimme im Rath des Königs gebühre." Compare the remarks in Stubbs' Const. Hist. ii. 222.

† Duobus militibus . . . racionabiles expensas suas in veniendo ad dictum parliamentum ibidem morando et inde ad partes suas redeundo provideri et eas de eadem communitate levari facias. To the Sheriff of York; Report on the Dignity of a Peer, Appendix, i. 35.

The children of that generation were to grow to man's estate before Edward I., the Conqueror of Evesham, equally great as warrior and ruler, ratified at Ghent with a heavy heart on the 5th of November, 1297, that famous confirmation of the Charters whereby he pledged himself to raise no more taxes except by common consent of clergy, nobility, and commons, and for the public weal*. He was then reduced to sore straits by the simultaneous conflicts with Scotland and France and with the Papal see; but, fortunately, he had already called upon the commons at various times to assist in bearing the public burdens; and in 1295, in order to obtain large subsidies, he had even summoned two knights from each shire and two burgesses from 115 towns. This great monarch never thought of giving up his prerogative when he pledged his word; among other points he expressly avoided a renunciation of the right to amerce the towns at pleasure. Yet their aids constantly approached more nearly to those of the feudal tenants, as knights and burgesses during the two following reigns became gradually united in the Lower House, which, in this form, far surpassed the boldest anticipations of the first creator of a deliberative and governing assembly of Commons.

* Que mes pur nule busoigne tien manere des aydes mises ne prises de nostre Roiaume ne prendrums fors ke par commun assent de tout le Roiaume e a commun profist de meismes le Roiaume, sauve les auncienes aydes e prises dues e accoustumees. Charters and Liberties, p. 37 in Statutes of the Realm, vol. i. Stubbs, Select Charters, 495.

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